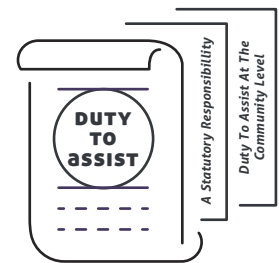




Duty to Assist – A Human Rights Approach to Youth Homelessness

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This report also draws from the conceptual framing and scholarship of [A New Direction: A Framework for Homelessness Prevention](#) and [Coming of Age: Reimagining the Response to Youth Homelessness](#). This report also builds upon the evidence reviewed in [Youth Homelessness Prevention: An International Review of Evidence](#). The recommendations in this report build upon those within several policy briefs and reports published by the Canadian Observatory on Homelessness and A Way Home Canada. We wish to thank the authors of these documents for their insights, and hope this report will amplify the impact of their work.

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INTRODUCTION

It is time for a new approach to youth homelessness - one that is proactive, not reactive.

Our emergency-focused response has meant that we largely respond only after a young person is on the streets. As a consequence, young people experience profound avoidable suffering that shapes the rest of their lives. In [consultations across the country](#), young people were resolute: we are waiting too long to intervene when a young person is at risk of or experiencing homelessness.

This report is one of a six-part series on youth homelessness prevention, drawing from [The Roadmap for the Prevention of Youth Homelessness](#) (Gaetz et al., 2018). The *Roadmap* is designed to support a paradigm shift to prevention by providing a clear definition of youth homelessness prevention, offering a framework and common language for prevention policy and practice, reviewing the evidence for prevention, and highlighting practice examples from around the world. Each report in the series explores one element of youth homelessness prevention, providing a framework for targeted action and change in that area.

In this report we tackle the critical issue of **Duty to Assist** – a human rights approach to youth homelessness prevention. A Duty to Assist means

there is a statutory obligation, or a **legal duty**, requiring local authorities make reasonable efforts to end the person's homelessness or stabilize their housing. Adapting legislation and practice originating from Wales, this report outlines an innovative and potentially impactful way in which Duty to Assist can be used to move us closer to preventing and ending youth homelessness. This report outlines policy and practice elements of Duty to Assist, detailing how Duty to Assist can operate at a community level. It also outlines what first steps need to be taken to successfully adapt this model in Canada. Duty to Assist is what the future of youth homelessness prevention looks like.

The Roadmap for the Prevention of Youth Homelessness provides a comprehensive framework for youth homelessness prevention, and should be read in full to best understand how youth homelessness prevention can be implemented in Canada. The Roadmap also provides detailed recommendations for embedding prevention in policy and practice

Why Prevention?

Prevention is generally accepted as more effective and desirable than waiting for complex problems to spiral out of control before intervening. Unfortunately, in North America the notion of preventing the problem of homelessness is not well understood and has not yet gained traction in policy, practice, or investment. For many years, crisis responses to homelessness have been relied upon to meet the immediate survival needs of young people who experience homelessness through emergency shelters, day programs, and law enforcement. ***This reliance on crisis responses, while well-meaning, has not produced the outcomes we want.*** There has been no demonstrable decrease in the number of young people that end up on the street, and young people who are homeless continue to suffer tremendously, experiencing violence, nutritional vulnerability, mental health crises, isolation, and discrimination. The pan-Canadian [Without a Home](#) study (Gaetz et al., 2016) brought to light an ongoing crisis, revealing that among youth experiencing homelessness:

- 40.1% were under the age of 16 when they first experienced homelessness;
- 76% had multiple experiences of homelessness, with 37% of these youth reporting more than five experiences of homelessness;
- 85.4% were experiencing a mental health crisis, with 42% reporting at least one suicide attempt;
- 38% of young women reported a sexual assault in the previous 12 months;
- 57.8% had involvement with child welfare involvement. Compared to national data (Statistics Canada, 2011), youth experiencing homelessness are 193 times more likely to have had involvement with child welfare (see also Nichols et al., 2017);
- 63.1% had experienced childhood trauma and abuse;
- 51% were not currently involved in either education, employment, or training; and
- Indigenous, racialized, newcomer, and LGBTQ2S+ youth are overrepresented in homeless youth populations across Canada.

A number of important conclusions can be drawn from these numbers:

First, we are waiting far too long to intervene when young people are at risk of homelessness, or experiencing homelessness.

Second, experiencing homelessness for any length of time can have a devastating impact on health, safety, mental health and well-being of young people.

Third, some young people – particularly Indigenous youth, LGBTQ2S+ youth, newcomer youth, and young women - experience the additional burden of ongoing discrimination and bias-based violence and exclusion.

Fourth, emergency responses on their own do not prevent homelessness, or necessarily help youth exit homelessness rapidly. Relying on such a crisis-based approach does not offer an effective or adequate solution to the problem of youth homelessness, and we therefore cannot and should not expect young people to “bootstrap” themselves out of homelessness.

Fifth, our public systems are failing to prevent young people from entering homelessness. It is clear that we are missing many opportunities to prevent youth homelessness within public systems.

Finally, people with lived experience of youth homelessness strongly profess the need to shift from the crisis response to a focus on prevention and sustainable exits from homelessness. In a recent national consultation conducted by the COH and AWHC, youth stated that “by building a response that is primarily reactive, we not only condemn youth to hardship and trauma, we actually ensure it” (Schwan et al., 2018a, p. 122).

The time has come to shift to a proactive, rather than reactive, response to the problem of youth homelessness.

Defining Youth Homelessness Prevention

Despite broad political and community-based interest in youth homelessness prevention, there has been lack of clarity about what it entails. We offer the following definition of youth homelessness prevention:

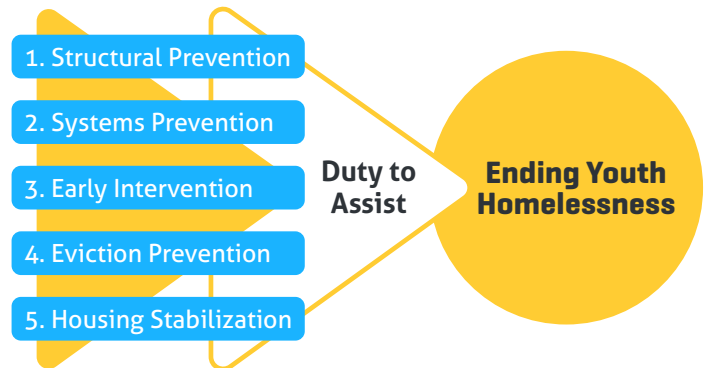
Youth homelessness prevention refers to policies, practices, and interventions that either (1) reduce the likelihood that a young person will experience homelessness, or (2) provide youth experiencing homelessness with the necessary supports to stabilize their housing, improve their wellbeing, connect with community, and avoid re-entry into homelessness. Youth homelessness prevention thus necessitates the immediate provision of housing and supports for youth experiencing homelessness, or the immediate protection of housing, with supports, for youth at risk of homelessness. Youth homelessness prevention must be applied using a rights-based approach and address the unique needs of developing adolescents and young adults.

This definition is adapted from Gaetz and Dej's (2017) broader [definition of homelessness prevention](#), drawing into focus policies and practices that are responsive to the distinct challenges that young people face. In implementing youth homelessness prevention, governments and communities should seek out evidence-based and promising interventions and policies that are both developmentally and individually tailored.

A Typology of Youth Homelessness Prevention

To conceptualize types of homelessness prevention for youth, [The Roadmap for Youth Homelessness Prevention](#) builds on the typology within [A New Direction: A Framework for Homelessness Prevention](#).

This typology articulates a range of preventative activities that aim to stabilize housing, improve health and wellbeing, promote social inclusion, and contribute to better long-term outcomes for youth and their families.



Homelessness Prevention Typology

1) Structural Prevention

Legislation, policy, and investment to address risks of homelessness and increase social equality. Examples include: legislating housing as a human right, adhering to the [Truth and Reconciliation Commission Calls to Action](#), poverty reduction strategies, and income supports.

2) Systems Prevention

Breaking barriers and enhancing access to services, supports, & benefits. This includes transition supports for those leaving public institutions, such as correctional facilities, hospitals, and child protection systems.

3) Early Intervention

Strategies designed to act early and address the risk of homelessness, as well as provide crisis intervention to those who have recently

experienced homelessness. Examples include: effective outreach, coordinated intake and assessment, client-centered case management, and shelter diversion.

4) Eviction Prevention

A type of early intervention, programs designed to keep people stably housed and help them avoid eviction. Examples include: landlord/tenant mediation, rental assistance, emergency financial assistance, and legal advice and representation.

5) Housing Stabilization

Supporting people who have experienced homelessness to find and maintain housing. This includes Housing First and supports to enhance health and well-being, education and employment, and social inclusion.

These six elements work in concert to prevent youth homelessness. These approaches span upstream efforts focused on structural prevention, to systems approaches that improve experiences in public institutions, to early interventions and housing stabilization efforts that reduce the risk of homelessness and prevent young people from cycling back into homelessness.

Duty to Assist - A Rights-Based Approach to Youth Homelessness

Youth homelessness prevention work must be grounded in the fundamental human rights of young people in Canada. Canada is a signatory to a number of international human rights agreements that define rights relevant to homeless youth, including the following rights:

- Right to adequate standard of living
- Right to adequate housing
- Right to adequate food
- Right to work
- Right to health
- Right to education
- Right to personal security & privacy
- Right of equal access to justice
- Right to assembly
- Right to freedom of expression
- Right to life

(Canada Without Poverty & A Way Home Canada, 2016)

That youth homelessness exists in Canada, and that we allow young people to remain trapped in homelessness, represents a *denial* of basic human rights. As a human rights violation, youth homelessness must be remedied. Practically, this means that policies, laws, and strategies aimed at youth homelessness prevention must be grounded in human rights at all stages of development, implementation, and evaluation. In consideration of the human rights of young people, *The Roadmap* adds an additional legislative strategy to the homelessness prevention typology: Duty to Assist. Duty to Assist means that there is a legal duty to ensure that young people are provided with information, advice, and housing-led supports to avoid an experience of homelessness, or to make that experience as brief as possible. Duty to Assist is a rights-based approach to youth homelessness.

Who is Responsible for Youth Homelessness Prevention?

It is critical to delineate responsibility when articulating the range of programs, policies, and approaches that can support the prevention of youth homelessness.

We must clarify when the homelessness sector should play a leading role, and when other institutions and orders of government carry the main responsibility. Youth homelessness prevention cannot solely rely on the homelessness system's funding and services. Rather, cross-systems and whole government approaches are required to achieve lasting change for young people.

Young people across the country articulated that youth homelessness prevention requires changes in multiple public systems (Schwan et al., 2018a), including housing, criminal justice, child welfare, healthcare, and education. Prevention work requires improved collaboration and coordination between and within ministries, departments, and communities, along with investment, policy development and alignment, and leadership from all orders of government.

Most importantly, this shift requires that we redefine who is viewed as responsible for youth homelessness prevention. It is time to collaborate with the systems and sectors that youth are engaged with *prior* to becoming homeless, leveraging each system interaction to improve a young person's housing stability, wellness, and other positive outcomes. To do so, we must implement structures that support mutual engagement in—and accountability to—one another's work and the changes we all want to see: better outcomes for youth.

A Call to Action - Implementing Prevention Across Canada

To bring prevention to life, each sector, order of government, community, practitioner, and caring individual must make the commitment to wholeheartedly and relentlessly pursue this new vision for young people in Canada, aligning their collective strengths, knowledge, and resources to move from vision to reality. For a comprehensive youth homelessness prevention framework, see [The Roadmap for the Prevention of Youth Homelessness](#).

Duty to Assist: Taking a Rights-Based Approach



If the prevention of youth homelessness is to be grounded in a human rights approach, we must consider the positive obligations of governments and communities to ensure the rights of youth are protected.

The fulfilment of young people's social and economic rights must include legal and practical mechanisms to seek assistance and redress in the event that their rights are violated (or soon will be). Currently, there largely is no protocol or legal requirement to assist youth in distress outside of the child welfare context. Duty to Assist also helps us resolve the contradiction between a human rights based approach to resolving homelessness, and the more narrow prioritization of chronic and high acuity (and mostly adult) populations that is dominant in North America.

Preventing youth homelessness requires that young people be assured of a process to gain immediate access to housing and supports to remedy the risk or experience of homelessness.

In practical terms, this means that higher levels of government provide a policy and funding framework for homelessness prevention, and provide communities with necessary resources and supports to enable them to fulfill the requirement of providing information, advice, and assistance to young people under the age of 25 who are at risk of or experiencing homelessness. This is the work of Duty to Assist.

Defining A Duty To Assist

A Duty to Assist means there is a statutory obligation, or a **legal duty**, requiring that local authorities make reasonable efforts¹ to end the person's homelessness or stabilize their housing. This means ensuring that young people under 25 are provided with information, advice, and housing-led supports to avoid an experience of homelessness, or to make that experience as brief as possible.

A rights-based approach to youth homelessness, Duty to Assist is legally enforceable and judiciable, providing a young person with the opportunity for legal recourse if the state fails to take reasonable steps to prevent their homelessness. Duty to Assist legislation identifies and articulates jurisdictional responsibilities within and between different orders of government in order to make their best effort to ensure any young person who is referred for assistance (including through self-referral) is provided with the appropriate supports, information, and advice to remain housed, or quickly become re-housed.

This statutory duty is **not** met by referring a young person to an emergency shelter or other homelessness services that do not proactively prevent their homelessness or help them exit homelessness rapidly and in a sustained way.

An International Example of A Duty To Assist: Wales

The concept of Duty to Assist has been put in practice in Europe with the [Housing \(Wales\) Act of 2014](#), which articulated a comprehensive and rights-based approach to homelessness prevention (it should be noted that the Welsh legislation applies to all people at risk of homelessness, and does not specifically target youth). Central to this legislation is a requirement that local authorities (municipal government) have a duty to provide information, advice, assistance, and navigation supports to people seeking help, and a "duty to help to prevent an applicant from becoming homeless" (section 66) if a person or family is: a) threatened with homelessness, and b) eligible for help. In addition to ensuring that there are funded early intervention programs in place, this strategy stresses a systems-based approach to collaboration. Practically, this means local authorities are directed to "cooperate with other public authorities, non-profit and voluntary organizations, and other individuals and providers to ensure services are in place to meet the needs of particular groups who are deemed to be at higher risk of homelessness" (Gaetz & Dej, 2017, p. 52).

A preliminary evaluation of the impact of the Welsh legislation has demonstrated positive results in that services have been "successfully reoriented towards prevention, creating a more supportive environment, reducing the number of people in temporary accommodation and decreasing the number who remain homeless after seeking help" (Mackie et al., 2017, p. 81).

¹ We define reasonable efforts as involving due diligence and care in finding effective, appropriate, housing-led services and supports to meet the needs of the young person and their family, taking into account the age and developmental stage of the young person, and the availability of supports in the local community.

How can Canadian governments effectively utilize legislation and a systems approach as a tool to prevent youth homelessness? Are such learnings transferrable to the Canadian context given the complex division of responsibilities and resources between different orders of government? The answer is that the experience of Wales can be drawn upon to build a 'Made in Canada' Duty to Assist strategy.

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The sections below illustrate how Canadian governments can put in place Duty to Assist legislation as a cornerstone of a prevention-based response to youth homelessness. It is best built upon the five elements of the Typology for the Prevention of Youth Homelessness. It can also act as a catalyst for systems integration at the community level. Such a policy direction can break open the silos of the ministries and departments that, while often driving young people into homelessness, must also be part of the solutions.

1) Establishing a Statutory Duty to Assist

Duty to Assist legislation makes homelessness prevention a statutory responsibility with defined roles for all orders of government. In practical terms and in the Canadian context, this means that:

- 1) The Government of Canada is responsible for defining and enforcing the rights of Canadians to housing, and the [Convention on the Rights of the Child](#). Additionally, through Reaching Home, Canada's Homelessness Strategy, the Government of Canada can create an enabling environment for community entities to: i) include youth strategies within community systems plans, ii) implement systems of coordinated entry (with special provisions for youth), and iii) implement youth-focused prevention interventions. Through its Social Innovation and Social Finance agenda, the Government of Canada can support Duty to Assist demonstration projects (involving social R&D) in order to develop the knowledge and evidence base, and advance our understanding of implementation.

- 2) Provincial and Territorial (P/T) governments are responsible for passing and enforcing Duty to Assist legislation, and impose the Duty to Assist on municipalities (constitutionally, P/T's are the order of government that defines municipal duties). Provinces and territories design the Duty to Assist responsibilities of municipalities, define roles for different ministries, and provide a policy and funding framework to support this work at the municipal level.
- 3) Municipal governments, working with the local homelessness sector,² are responsible for the coordination and delivery of Duty to Assist. Young people at risk of, or who are experiencing homelessness, will make contact with the local homelessness authority (through coordinated entry, discussed below). Following the Welsh model, P/T legislation should define the responsibilities of municipalities/community entities, and specify "the minimum set of interventions that local authorities must have in place ... and local authorities are expected to consider the most appropriate intervention(s) for each person" (Mackie, 2017, p. 86). **It is recommended that supports must be offered within 14 days of the young person presenting for help.**

The Duty to Assist can result in four different outcomes:

- i) A young person's homelessness is *prevented* if they are at risk of homelessness;
- ii) If prevention efforts are not successful, a young person's homelessness is *relieved*;
- iii) If a young person is currently homeless but did not access prevention support previously, their homelessness is *relieved*;
- iv) A young person is offered referral or assistance but refuses (young people should have the right to change their mind at any time, and refusal of help does not discharge the state of its ongoing duty to assist).

In the latter case, Duty to Assist requires that local government offer the necessary supports (including reasonable steps to access housing) in order to remedy this situation. Any person at risk of or experiencing youth homelessness is assisted by this duty. All efforts must be designed to account for the specific needs of developing adolescents and young adults.

²It should be noted that in Canada, the federal government has defined "community entities" as the coordinating bodies for local responses to homelessness. In some cases this is the municipal government, in other cases it is a third party organization (Calgary and Edmonton are good examples). In the latter case, municipalities will be directed to collaborate with third party community entities to implement Duty to Assist.

Finally, given the history of colonialism and the resultant over-representation of Indigenous children and youth both in homeless populations (Gaetz et al., 2016) and in child protection (Blackstock, 2011), engagement and collaboration must also include Indigenous leadership and communities in a nation-to-nation relationship. An effective Duty to Assist policy will need to identify and resource responsibility across each of these jurisdictions.

Why focus on youth homelessness?

The Welsh legislation is designed to support all people at risk of or experiencing homelessness, regardless of age. This too should be the long term goal of Canadian policy. A compelling case can be made for a structured, phased approach to implementation, beginning with a targeted focus on youth homelessness. First, our knowledge base regarding youth homelessness prevention is well established and growing, and there is momentum in this area in Canada. Second, there are complexities in addressing youth homelessness that don't exist within the adult population that need to be worked out (e.g., jurisdictional issues based on age, the challenge of supporting youth under 16, for instance). Third, it is now becoming clear that if we want to tackle chronic homelessness amongst adults, there is a compelling case for focusing on youth homelessness. Recent Point-in-Time counts in Canada are showing that a majority of people who are currently homeless had their first experience before they were 25, and many before they were 18.³ The [Without a Home](#) study demonstrated that 40% of youth currently experiencing homeless had their first experience before the age of 16. If we better support our youth, we can have a long term, sustainable impact on the broader problem of homelessness.

Considerations for Policy and Program Design

Implementing a statutory Duty to Assist in Canada requires the following key elements and considerations in terms of policy and program design:

1) Policy

Duty to Assist legislation would signal a shift in policy direction on homelessness from a considerable investment in the crisis response, to one that prioritizes the prevention of homelessness and reorienting systems, services, and funding.

³ [Victoria, 55.8% \(Hardman, 2018\)](#); [Peterborough, 58% \(Vink, 2018\)](#); [Niagara, 53% \(Nickel, 2018\)](#), and; [Regina, 74% \(Docherty, 2018\)](#).

As a statutory responsibility that enshrines a universal right to homelessness prevention, a Duty to Assist will include the following:

- **Rights-based approach** – The rights protected under a Duty to Assist are not only human rights, but legal rights.⁴ In other words, the right to housing and supports would be enforceable and judiciable, providing a young person with the opportunity for legal recourse if there was a failure to take reasonable steps to prevent their homelessness.
- **Age mandate** – The Duty to Assist applies to young people aged 13-24, consistent with the [Canadian Definition of Youth Homelessness](#). Provincial and territorial legislation regarding children and youth may already define at what age young people can access supports independently of parents, or who is responsible to for addressing the needs of young people at risk under the age of 16 (such as child protection authorities). Therefore, considerations will have to be made to align existing legislation to ensure that young people can access appropriate supports of their choosing.⁵
- **Obligation to act** – Upon presentation to the organization/entity locally coordinating the Duty to Assist, state actors are obliged to act within 14 days⁶ in order to provide assistance in the form of not just information, but the offer of housing-led support and/or referral.
- **Youth choice, youth voice, and self-determination** – As a rights-based, client-centred approach, Duty to Assist emphasizes youth choice regarding the range of supports offered. Choices are best made when young people have been provided with sufficient information to make an informed decision on the appropriate options available to them. In supporting youth choice, one also needs to consider age and cognitive functioning (e.g., FASD, developmental delays, and/or brain injury) and how this may impact decision-making. A young person turning down options presented to them does not discharge provider responsibility to continue to find ways to support the youth. Young people must also be supported and respected when they change their mind regarding the kinds of support or housing they want. It is critical that in all instances, the design and implementation of Duty to Assist does not operate coercively or punitively, and that young people’s right to choice and self-determination is the cornerstone of this legislation in policy and practice.

⁴ The rights guaranteed to young people under international conventions that Canada is a signatory to are outlined in the report [Youth Rights, Right Now](#). It should also be noted that the Government of Canada’s National Housing Strategy also declares housing as a right, and special measures must be in place to ensure that the rights of young people are protected.

⁵ This is important, considering that some young people at risk of homelessness, or who are experiencing homelessness at a young age may already be in the care of child protection authorities, but may be fleeing such care.

⁶ In the Welsh legislation the obligation to act is 60 days. Because of the vulnerability of young people, we recommend 14 days.

- **Reconciling different duties to assist** – Different mainstream services may have similar duties to report or assist, including health, justice and child protection, for instance. In child protection legislation, there typically already exists a duty to assist and an obligation to report in cases of suspected abuse and neglect. A Duty to Assist youth homelessness prevention policy should not be confused with similar directives outlined in child protection, for instance. As such, Duty to Assist policy and practice should clarify the circumstances under which reporting and assistance involves child protection or other systems, programs, and services, to avoid confusion and systems dumping (i.e., merely transferring youth from one system to another).
- **Addressing the needs of Indigenous youth** – In alignment with the [Calls to Action](#) of the Truth and Reconciliation Commission, all Duty to Assist efforts must strive to be equitably applied to Indigenous and non-Indigenous youth, without service disparities. Indigenous youth should be able to obtain culturally appropriate, Indigenous-led housing and supports. Assistance must be based on a respect for traditional knowledge, cultural traditions and practices, and account for the impact of colonialism on Indigenous communities, including intergenerational trauma. Taking into consideration the [Definition of Indigenous Homelessness in Canada](#), young people who are identified as being culturally disconnected from their Indigenous heritage should be offered opportunities and supports for cultural reconnection.

Implementation of Duty to Assist raises the issue of the need for nation-to-nation negotiations on how this can be co-developed with Indigenous communities. A Duty to Assist must be responsive and accountable to Indigenous governance and Indigenous forms of restorative justice. Indigenous-led approaches to Duty to Assist can foster not just place-based interventions, but culturally engaged community-based interventions.
- **Quality Assurance** – Duty to Assist legislation must be backed up by measures to ensure full access to support, quality services, opportunities for client feedback and input, and a demonstration of impact. This includes clarity regarding a determination of when the Duty to Assist has been met. In the Welsh legislation, there are three main ways that the Duty is met: "homelessness is relieved (accommodation is available for at least 6 months), homelessness is unsuccessfully relieved (having taken steps to help, no solution is found within 56 days), or some 'other' reason (either an offer is refused or they fail to cooperate)" (Mackie et al., 2017, p. 87). A Canadian Duty to Assist should assess more than whether a young person has been successfully housed or not, including other quality of life measures that will have an impact on their risk of becoming homeless in the future. Young people need to have a say in whether the offer of support is reasonable, appropriate, and desirable, given their circumstances. Duty to Assist must be focused on truly preventing homelessness, rather than merely deferring homelessness.

All of this is best assured through the appointment of a regulator/ombudsperson for homelessness services, who will be charged with ensuring that providers are in fact recognizing and practicing their duty to assist in a way consistent with the letter and intent of the duty legislation.

As part of quality assurance, there must be mechanisms in place so that youth can appeal to the ombudsperson or pursue legal action if there is evidence that "reasonable efforts" have not been made. In such cases, each youth should have the right to independent legal representation before any decision maker, as well as a clear and empowered role in their own cases or complaints. It is critical that these redress mechanisms are timely, equitable, free, highly accessible, and youth-friendly.

2) Program Design

In designing a Duty to Assist program, the following components should be considered essential for the delivery of preventive supports at the local level:

- **Duty to Refer** – While a Duty to Assist is a statutory responsibility, there needs to be a process in place whereby adults who engage with young people make a reasonable determination as to whether and/or how a young person is at risk of homelessness. This can be a challenge because youth homelessness is often hidden, and many young people experience repeated bouts of homelessness before they ever come in contact with emergency supports.

MEANINGFUL ADULTS MAY INCLUDE:

Teachers

Coaches

Instructors

Doctors or Nurses

Counsellors

Community or Social Workers

Having said this, it is possible, and even likely, that meaningful adults in the lives of young people may become aware that something is wrong. This may be due to changes in behaviour, or upon learning that a young person is 'couch surfing', for instance. Meaningful adults include people who, because of their role or profession, work directly with young people and in some cases are acting 'in loco parentis' (latin for "in the place of a parent"). This refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent.

Currently, teachers, instructors, coaches, employment workers, community workers, or others⁷ may suspect a young person is at risk of, or experiencing, homelessness. Many adults in such positions will not know what to do; they may not have the knowledge, capacity, or access to resources to directly assist a young person who is at risk of, or experiencing, homelessness. A Duty to Assist - with appropriate referral processes and systems of support - will give them the means to support young people and get them the help they need. The responsibility to support and refer can be defined through professional standards, and augmented through professional development and training.

A **Duty to Refer** means that in these situations, and with the consent of the young person, a referral is made to an appropriate agency, care provider, professional (medical, legal), helpline, or other appropriate support – ideally through a coordinated entry system. When young people present at homelessness services, including both within the adult and youth systems, there is a similar Duty to Assist (or refer) to wider and more appropriate supports in cases where the shelter in question does not practice shelter diversion.

⁷ Other circumstances where adults are in positions of authority regarding young people will need to be considered as well. For instance, private landlords should be required to report when filing a notice of eviction.

- **Housing-led supports** – Assistance should always be housing-led. In other words, referring a young person to an emergency shelter or other homelessness service that offers minimal supports to rehouse the young person will **not** count as having provided assistance or completion of a duty to assist, if it does not end the person’s homelessness or stabilize their housing. This does not necessarily mean the elimination of shelters, as there will always be a need for the crisis response. Rather, in the long run it means retooling the emergency sector to support prevention and rehousing.
- **Client-centred supports** – The supports offered to young people through Duty to Assist must be client-centered, whereby the choice of young people as to whether they want help and what supports they need is respected (consistent with the core principles of [Housing First for Youth](#)). The offer of assistance must be accepted by the young person before contact with supports proceeds.⁸ Additionally, supports, including housing, must be individualized, strengths-based, and allow young people to change their mind without fear of negative consequences. The Duty to Assist legislation must not be used coercively in policy or practice.
- **Engaging Families and other Natural Supports** – Consideration of the needs of both young people and their families drive the case management process. Addressing family conflict and strengthening family (as defined by the youth) and natural supports will have positive longer-term consequences and reduce the risk of simply delaying homelessness. However, the first response should not be to remove the young person from their home, or sever ties with family or caregivers, unless there is an imminent risk to the safety of the young person or other family members.
- **Quality of service** – To support Duty to Assist, there needs to be early intervention-based prevention services in place that ensure access is timely, and that services are individualized, persistent, and delivered under a Positive Youth Development orientation (European Commission, 2013).
- **Supporting young people who do not wish to or are not able to engage** – In designing policy, programs, and interventions, there must be a special consideration of the needs and experiences of particularly marginalized groups who may be reluctant to accept assistance (for reasons such as previous negative interactions with police, public systems, or people in positions of authority). Groups that may be hesitant to accept assistance include young people who are experiencing marginalization or criminalization due to:
 - » Experiences of human trafficking or sexual exploitation;
 - » Sex trade involvement;
 - » Discrimination, including LGBTQ2S+ youth, gender non-binary youth, racialized youth, Indigenous youth, and others;
 - » Precarious legal status (e.g., youth whose visa ran out);
 - » Intimate partner, familial violence, or violence experienced while in the child welfare system;
 - » Gang involvement or fleeing gang violence, or;
 - » Fleeing criminal charges.

⁸The exception is if there is evidence of abuse and/or the young person threatens to harm themselves or others. In such cases, existing duty to report legislation (e.g., child protection, health) will override the young person’s right to refuse help.

In supporting youth in these situations, then, it is imperative that youth have the power to say yes or no to referrals or supports offered, particularly if they fear that assistance or intervention will increase their risk of surveillance, result in criminalization, or otherwise put them in even greater jeopardy.

More broadly, it is critical that the progressive realization of Duty to Assist adopts a particular focus on addressing the structural and system factors that make it more difficult for some youth to take advantage of the supports offered through Duty to Assist. For example, particular immigration policies may create fear of deportation amongst newcomer or refugee youth, making it difficult for these young people to actualize their rights as entailed in Duty to Assist. Upstream efforts to address system and structural factors can thus assist in democratizing access to Duty to Assist and ensuring equitable access to this right.

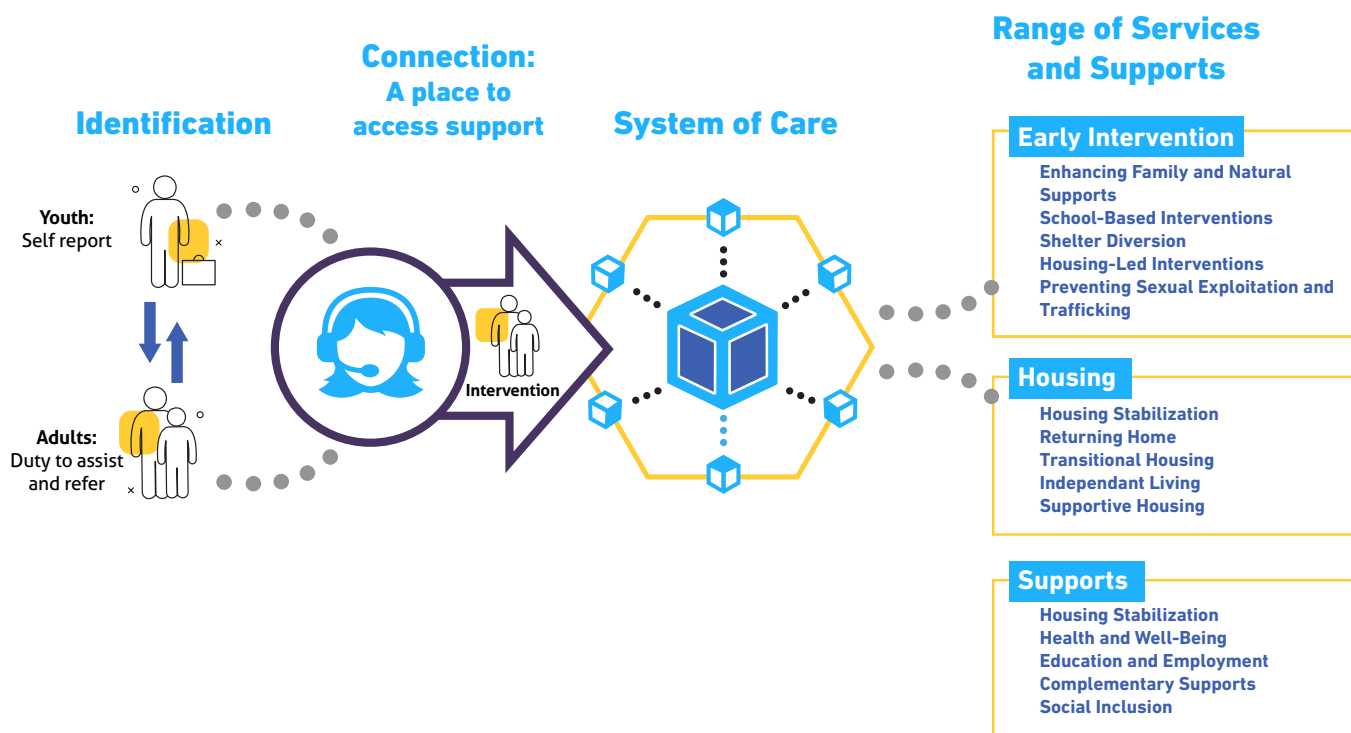
- **Unconditional support** – The offer of assistance cannot come with conditions such as abstinence, engagement in education or employment, or participation in programming.
- **Equitable provision of Duty to Assist** – There must be a commitment to the equitable provision of this Duty to Assist, with efforts to ensure barriers to benefitting from this legislation are minimized as much as possible. This can be done through broad structural and systems prevention efforts (e.g., amendments to sex trafficking laws, equitable systems funding on First Nations reserves), and through accountability mechanisms established throughout the System of Care. The ombudsperson appointed in each province/territory is responsible for ensuring the equitable implementation of Duty to Assist across municipalities.
- **Emphasis on place-based supports** – There is a need to ensure that as much as possible, supports are place-based and that young people are not forced to leave their communities to receive services due to lack of available supports. In other words, government and public systems must be funded and coordinated in such a way to ensure young people have access to appropriate supports in their home community.

2) How Duty to Assist works at the Community Level

Implementing Duty to Assist will undoubtedly require an investment of resources, cross-ministerial responsibility and mandate, and potentially several years of systems work at the community level to ensure prevention-focused systems to support young people are fully in place and well-functioning before Duty to Assist becomes a requirement.

With a legal responsibility for a Duty to Assist defined, and an investment in preparing communities to have systems and supports in place to enable implementation, an important question to ask is: how this would work at the community level? What happens between the point where the need for help is identified, and actual supports are delivered? The diagram below illustrates how Duty to Assist might work in practice.

FIGURE 1: DUTY TO ASSIST PROCESS



1) Identification

There are two main routes through which a young person at risk of, or experiencing, homelessness can be identified as needing assistance:

- **Self-referral** – Young people may seek assistance themselves and should be able to access services and supports on their own. Young people may also seek assistance and support from adults in meaningful roles whom they are already in contact with or can easily access, or through centralized systems of assistance, such as helplines or coordinated entry systems. To facilitate youths' self-referral for Duty to Assist, young people need to know that help is out there and that the help will be useful.
- **Adult referral** – Adults in meaningful roles who are aware of, or who suspect a young person is in need of assistance, should offer help. If the required support is beyond the scope of the adult in question, they have a Duty to Refer the young person to others who can help. This must be done with the knowledge and informed consent of the young person, so that they will not fear that bringing forward their concerns will get them ensnared in a system they are trying to avoid.

2) Connection: A Place to Access Support

A Duty to Assist will have no impact if those who make the determination that a young person is at risk have no place to refer to for assistance. A visible, accessible overarching system needs to be in place to handle referrals, triage, and ensure young people get the supports and housing they need. The pathway to supports involves the following:

- **Visibility** – A person needs to know help is available before they can access supports. With a good communications strategy, all people implicated in Duty to Assist, including young people, their families, community members, and those working with youth, must be made aware that there is someone they can contact. There are different ways of doing this, including 211 helplines, children helplines, mobile apps such as HelpSeeker, and coordinated entry programs organized as part of the local response to homelessness. Social marketing campaigns could help increase knowledge about where to seek support.
- **Coordinated Entry** – Coordinated entry is key to both system integration and early intervention models for young people at risk of homelessness. Many communities that implement systems plans to address homelessness employ 'coordinated entry' to create a standardized process for intake, assessment, and referral. Access to coordinated entry can be through a call centre, or a young person can also go in person to organizations that are part of the coordinated entry system. Supporting coordinated entry should be a community-wide data management system that allows the community to track the young person and the supports they are receiving. The intent of coordinated entry is to create a standardized process for intake, assessing a young person's current situation, the nature of their needs, and the services they currently receive and may require in the future.

Coordinated entry systems should include:

- » Standardized intake and assessment (using youth-specific assessment tools that are strengths-based)
- » Triage, prioritization, and referral
- » Data management systems

- **Case management** – At intake, a young person is then referred to, and connected with, a support worker who has sufficient experience and expertise to support the youth and address the underlying issue that is making them vulnerable to homelessness. This is when the intervention begins. The young person meets (in person or through the use of technology), and a personalized plan is developed and implemented.

Based on the needs of the young person and their family, appropriate case management and support should be provided. This might involve simply short-term support in terms of information provision, referral, and system navigation, or it may involve more intensive, longer-term supports. The case worker will be responsible for developing a personalized, youth-driven plan for the youth and their family.

In providing an intervention, key considerations include:

- **Taking Reasonable Steps** - The institution, organization, and personnel mandated to offer assistance must take action involving steps that an objective and reasonable person would undertake to address and remedy the situation in the best interests of, knowledge of, and approval of the young person in question. This is their duty. The notion of 'reasonable steps' also identifies that in real world contexts there may be limitations to the outcomes that can be delivered through a Duty to Assist. For instance, a Duty to Assist cannot mandate a guaranteed end to a young person's homelessness. This is because young people may not choose to accept support, or may choose not to accept the specific supports or housing offered to them. Young people may refuse supports for any number of (legitimate) reasons, for instance because the young person does not consider the options offered to be reasonable or appropriate, or feels that the options may in fact endanger them. Refusing support cannot be the outcome of poor service delivery or barriers to access. Overt and/or subtle efforts to dissuade young people from accessing supports are to be avoided, and accountability measures must ensure this doesn't happen. In such cases where there is a refusal to accept supports, a Duty to Assist cannot be discharged, as a young person has the right to change their mind, and/or may request assistance again.

Given the challenging nature of a refusal by a young person to cooperate or accept supports, it will be important to research and evaluate the experiences of young people in order to understand why this happens, and what can be done to improve service delivery and support. Research and evaluation will also help us identify with more precision what kinds of steps are considered to be reasonable.

- Accessibility** – It is important that young people are able to equitably access and benefit from public systems, supports and entitlements. A Duty to Assist mandate means that supports – including the outward facing coordinated entry system – must follow the “Four ‘A’s” of system prevention: availability, access, affordability, and appropriateness. There should be as few barriers as possible for accessing support, with a ‘no wrong door’ approach. Any young person should be able to connect with and access the supports they need in a way that is timely, seamless, and effective from the perspective of the young person and their family. Given the over-representation of some sub-populations of youth experiencing homelessness, accessibility also means implementing an equity framework designed to meet the needs of LGBTQ2S+ youth, Indigenous youth, and other youth groups experiencing additional forms of exclusion.



- Response tied to housing need** – Young people who are at risk of homelessness need support to maintain their current housing, or if that is not possible or advisable, to find alternative housing that is safe appropriate and affordable. For young people who have recently experienced homelessness, the goal is to help them return home (with supports) or find an alternative. Young people who are currently homeless (including chronically homeless youth) are also entitled to support from Duty to Assist, and should be assisted through a range of housing-led interventions, including [Housing First for Youth](#).
- Timeliness** - Given what we know about the negative consequences of prolonged exposure to homelessness for young people, assistance must be timely and appropriate. Providers should be required to offer assistance in the form of referrals and planning within 14 days. If young people are without housing, they should reasonably be offered housing within 60 days.

3) System of Care to Provide Supports

It is through the system of care that a young person receives support, services are provided, and personalized plans are developed and implemented. Young people will be introduced to a youth worker with sufficient experience and expertise to support the youth, address their needs, and assist them in navigating systems to get additional support when needed.

A well-functioning community response to youth homelessness requires a 'system of care.' This is an approach to systems integration that is client-centred and ensures that young people get access to the services and systems they need in a timely and appropriate way. A system of care ideally needs to be in place to implement a Duty to Assist.

Originating in children's mental health and addictions sectors, a System of Care is defined as "an adaptive network of structures, processes, and relationships grounded in system of care values and principles that provides children and youth with serious emotional disturbance and their families with access to and availability of necessary services and supports across administrative and funding jurisdictions" (Hodges et al., 2006, p. 3). A system of care, then, is a client-centred approach to systems integration involving coordination of services designed to ensure that young people (and their families) get timely and appropriate access to the supports they need.

At the local level, a system of care requires more than just service integration within the homelessness sector, but integration of the many systems that youth interact with. Systems integration involves engaging with and convening a range of public institutions and systems, including healthcare, education, employment, family support services, and the justice system, to identify and support young people at risk of homelessness. The principles of Collective Impact (Kania & Kramer, 2011; Harwood, 2014; Cabaj & Weaver, 2016) provide guidance on how to achieve systems integration. In particular, communities need strong leadership and a backbone organization to coordinate and keep the work progressing.

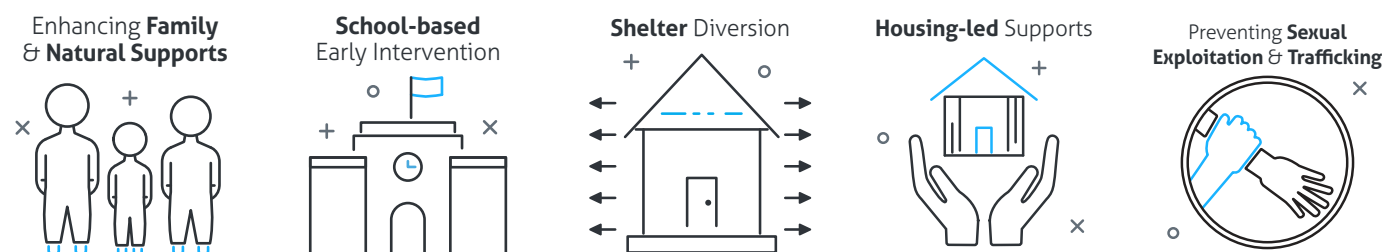
A system of care, then, is a client-centred approach to systems integration involving coordination of services designed to ensure that young people (and their families) get timely and appropriate access to the supports they need.

4) Range of Services and Supports

For Duty to Assist to work, there must be in place a range of prevention-focused early intervention programs and systems of support. In addition, the key components of the system of care described above are essential for early intervention prevention strategies on youth homelessness to be effective.

In [The Roadmap for the Prevention of Youth Homelessness](#) (Section III), a range of early intervention program areas are discussed, all of which could support a Duty to Assist.

Key early intervention program areas describe in *The Roadmap* include:



Early intervention program models: a) nurture and/or restore **Family and Natural supports**; b) are **Youth-driven**; c) are responsive to **Cultural and Linguistic differences**, and d) are **Place-based**. When young people are forced to leave their communities because they are homeless, they not only lose their family and home, but also their community and potentially a web of natural supports, friends, and meaningful adults (neighbours, teachers, coaches, counselors, etc.).

The most effective early intervention strategies are designed to bring services and supports directly to young people (and their families), so that they remain embedded in their system of natural supports, continue to attend school, and can move forward in a safe and supported way.

The program areas described below are all evidence-based, and have been implemented in one form another in communities across the country. While there are clear design characteristics to each of these program models, they should not be thought of in isolation, but as mutually reinforcing and with the potential for integration within a system of care. Elements of one program model – for instance, enhancing family and natural supports – are likely present within and across most examples of early intervention. Just as with other system of care approaches where there is some degree of service integration, the different program models of early intervention intersect in terms of program elements, services offered, and sites where young people find support.

Supports linked to Outcomes

The kinds of services and supports to be provided to the young person should be based on an assessment of needs and the presenting problems. More than this, however, a broader understanding of the needs of developing adolescents and young adults should drive the services and supports. The service delivery model and outcomes framework for [Housing First for Youth](#) (described in [The Roadmap for the Prevention of Youth Homelessness](#), Section V – Housing Stabilization) provides a good overview of the kinds of supports that can build assets and resilience, enhance social inclusion, contribute to health and well-being, and overall help young people transition to adulthood.

Areas of support include:



1) HOUSING STABILITY

- > Obtaining housing
- > Maintaining housing
- > Enhancing knowledge and skills regarding housing and independent living
- > Reducing stays in emergency shelters



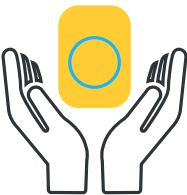
2) HEALTH & WELL-BEING

- > Enhanced access to services and supports
- > Improved health
- > Food security
- > Improved mental health
- > Reduced harms related to substance use
- > Enhanced personal safety
- > Improved self-esteem
- > Healthier sexual health practices
- > Enhanced resilience



3) EDUCATION & EMPLOYMENT

- > Established goals for education and employment
- > Enhanced participation in education
- > Enhanced educational achievement
- > Enhanced participation in training
- > Enhanced labour force participation
- > Improved financial security



4) COMPLEMENTRY SUPPORTS

- > Established personal goals
- > Improved life skills
- > Increase access to necessary non-medical services
- > Addressing legal and justice issues



5) SOCIAL INCLUSION

- > Building of natural supports
- > Enhancing family connections
- > Enhancing connections to communities of young person's choice
- > Strengthening cultural engagement and participation
- > Engagement in meaningful activities

3) Getting Ready: What needs to be in place to implement a Duty to Assist?

Addressing youth homelessness and homelessness at large requires all governments to collaborate and take responsibility. While provincial/territorial and federal orders of government should be responsible for legislation, policy, and most of the funding⁹ for Duty to Assist, it is at the community level that much of the work is operationalized and experienced by young people.

A key challenge in implementing a Duty to Assist in Canada is that few communities/municipalities are currently in a position to assume responsibility and implement a Duty to Assist. Prevention-based systems are not yet in place to refer young people or to provide necessary supports.

Change Management and the Progressive Realization of a Duty to Assist – Managing change is inherently challenging. A place to begin is to acknowledge that establishing a Duty to Assist requires significant changes in terms of policy, practice, and funding at the community level and within higher orders of government. Rather than imagining a sudden shift in policy and practice, it is more reasonable to think about how we can move towards the progressive realization of Duty to Assist.

Before a Duty to Assist can be established as a statutory responsibility, a first phase of systems transformation must necessarily take place before the second phase of legislation and implementation can take place. A necessary requirement of Phase 1 systems transformation is that community responses to homelessness be retooled to focus on prevention. Legislation alone will not fix the problem of youth homelessness, or ensure that young people receive the supports they need, if those supports do not currently exist in practice. Experience from Wales shows that it is at the implementation stage where key challenges emerge. This suggests that there needs to be appropriate time and investment in designing and implementing prevention supports, and communities must have effective monitoring and regulation regimes in place to ensure people are getting the supports they need. “Whilst a legal right to homelessness prevention assistance is an effective driver of change, without attention to implementation and the quality of services being offered, legislation cannot realize its full potential impact” (Mackie, et al., 2017, p. 81). In Wales, there were several years of program design and implementation, as well as significant investments, prior to the implementation of legislation requiring a Duty to Assist.

⁹It should be pointed out that currently in the Canadian context, some policy development and funding is generated at the municipal/local level.

In legislating a Duty to Assist, provincial and territorial governments, as well as the Government of Canada, must support communities to take on the responsibility of a Duty to Assist through:

- **Community systems plans and systems integration** – Only a small number of communities in Canada have clear youth homelessness strategies (ideally as part of broader community plans), and fewer still have ones that truly support a prevention response. Communities will need to be supported to plan and implement such strategies. In fact, a Duty to Assist agenda would mandate a youth-focused community systems planning process and its implementation.

The best community plans are 'systems plans', which focus on systems integration in their design and which support the system of care. Integral to systems of care is the integration of service planning, coordination, and service delivery management at the sector, agency, and program levels, in order to create client-centred pathways that allow young people to access the services they need (Nichols & Doberstein, 2016). In other words, communities must work towards an integrated systems response involving coordination at every level, including policy, intake, service delivery, and client outcomes tracking. The best integrated service models are client-focused and driven with supports designed to ensure that the needs of young people, and potentially their families, are met in a timely and respectful way.

Triage, systems navigation, and case management depend on the presence of integrated systems at the local level. This would require detailed systems mapping to identify what services and supports are in the community. This means not just the homelessness sector, but other mainstream public institutions and services, as well as private service providers (counsellors, psychiatrists, etc.). Both mainstream services and those supporting young people who are homeless are connected to allow for seamless service delivery and rapid access. In some cases where fear of engagement with the justice system is a deterrent for young people to seek or accept support, systems interface¹⁰ rather than integration is what is needed.

Within [Reaching Home: Canada's Homelessness Strategy](#), the Federal government has indicated its expectation that communities implement youth-specific systems plans within their broader homelessness systems plans. The [A Way Home: Youth Homelessness Community Planning Toolkit](#) is an excellent resource to support communities in their efforts.

¹⁰An integrated system is where programs and services operate 'as one' in a seamless and collaborative way, whereas interface suggests defined limits to collaboration, in areas such as data sharing and access to information, for instance.

- **Retooling the sector** – The community response to youth homelessness must be oriented to prevention, with federal and provincial/territorial orders of government providing the funding, policy and legislative frameworks to support a Duty to Assist. This also means retooling the youth homelessness sector so that they can support the prevention of youth homelessness. The valuable skills of people in emergency services who have expertise working with youth can - through program redesign, training, and support - be redirected within a system to support housing-led preventive efforts and early intervention.
- **Investment in early intervention prevention initiatives** – A minimum set of interventions must be established, and based on an assessment of whether a young person is: a) currently homeless with no promising prospect of returning home to live with caregivers; b) at imminent risk of homelessness, and c) at risk, but not imminently. The intervention strategies outlined in this report offer concrete examples of what this would look like at the local level, including:
 - » Enhancing family and natural supports
 - » School-based early intervention
 - » Shelter Diversion (an important touch point of Duty to Assist)
 - » Housing-led supports
 - » Preventing sexual exploitation and trafficking
 - » Eviction prevention
 - » Housing First for Youth
- **Addressing housing affordability for youth and their families** – The lack of affordable housing in many communities presents a challenge for young people with low earning potential who can no longer remain living with caregivers. For families, it may also be a significant stressor that contributes to family conflict and instability. Communities will need at their disposal public funds for a range of supportive housing options for youth, as well as eviction prevention. The new Canada Housing Benefit should be designed so that it does not have requirements that exclude youth who are no longer able to live with caregivers.
- **Mobilizing mainstream institutional responsibility** – Many young people become homeless after leaving or being discharged from public institutions. This includes:
 - » Young people leaving care (foster care or group homes);
 - » Young people leaving correctional facilities (adult or juvenile), regardless of whether they are convicted or held on remand, and;
 - » Young people leaving hospital or community mental health services as an inpatient after receiving medical and/or mental health treatment.

Well-designed Duty to Assist legislation would outline the responsibility and specific obligations of such public institutions, bearing in mind the different jurisdictional responsibilities, and variances in programs/services and age cut offs.

As part of a Duty to Assist, mainstream institutions will have to dedicate resources for transition supports, which may already exist in some cases. This is necessary to assess the risk of homelessness for those young people leaving such institutions, including their direct access to housing, the strength of family and natural supports, and the need for specific services and supports upon leaving. Mainstream institutions would be required to put plans in place, offer assistance, and track young people. Those young people who refuse assistance at first would have a right to change their minds and access supports at a later date.

- **Accommodation for contextual and geographical variation** – The implementation of Duty to Assist will have to account for the considerable variation in institutional services and supports that exist across communities. This includes differences between urban and small town/rural areas, where there may be a lack of infrastructure to support young people and their families. Innovative solutions are needed to ensure that access to assistance is universal regardless of where youth live. While these contexts can present particular challenges, there are examples of rural youth homelessness prevention work being done in Canada.¹¹ This is an area where provincial and territorial governments have a key role and responsibility.
- **Piloting A Duty to Assist** – Before provincial/territorial governments can move towards Phase 2 – Legislation and Implementation, it makes sense to invest in pilot projects where selected communities become Duty to Assist 'Living Labs'. Small and medium sized communities would be ideal for this kind of experimentation, as the level of systems complexity is more manageable. Communities would have to demonstrate readiness through having in place:
 - » Community systems planning with a youth stream
 - » Coordinated entry system
 - » Advanced service integration
 - » Advanced system integration, including service mapping
 - » Prevention interventions
 - » Housing First for Youth

One route to enabling municipalities to implement a Duty to Assist is for a city to become established as a Charter City. This would enable municipalities to define their approach to homelessness in a unique way, and provide them with the flexibility to implement reforms, spending responsibilities, and raise additional revenue to support their efforts. Partnering with universities to intensively conduct research and evaluation (process and outcomes) would generate an opportunity to test and learn from an experiment in Duty to Assist.

¹¹ Lanark County and Niagara Region in Ontario are both good examples.

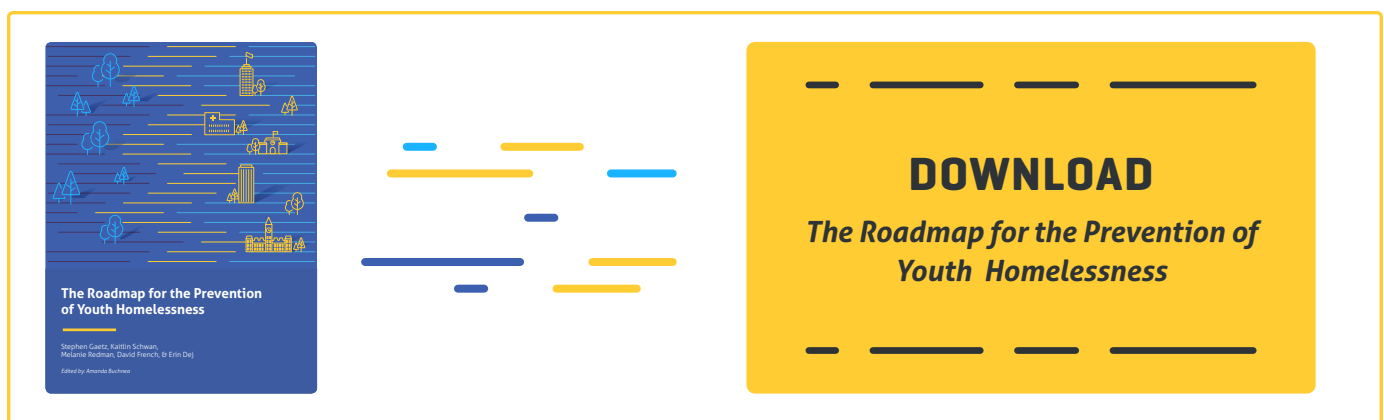
Conclusion

Any serious and comprehensive effort to prevent and end youth homelessness must ensure that all young people who are at risk of homelessness have access to housing, services, and supports that are age appropriate and delivered in a timely and effective way. Welsh prevention legislation that mandates a 'Duty to Assist' has proven to be successful in reducing the inflow of individuals and families into homelessness. Adapting Duty to Assist to address the needs of developing adolescents and young adults in Canada would enshrine a rights-based approach to addressing youth homelessness. Indeed, a statutory responsibility to provide information, advice, and concrete assistance to young people under the age of 25 who are at risk of or experiencing homelessness will not only contribute to stopping the inflow, but will produce much better outcomes for young people and their families. Such assistance must be immediate, accessible, appropriate, and responsive to youths' human rights and expressed desires for their life.

As part of this work, articulations of clear responsibility at the federal, provincial/territorial, and municipal levels are critical. The degree of course correction required for Duty to Assist would not only bring departments across government into closer alignment, but would pinpoint which areas within government would have the responsibility for these actions.

Implementing a Duty to Assist in Canada is a necessary and achievable goal. Getting there will require systems transformation and a willingness to change the status quo. This will necessarily take work, heart, and political courage, and if successful, it will radically transform the outcomes and life trajectories for vulnerable youth in Canada.

Adapting Duty to Assist to address the needs of developing adolescents and young adults in Canada would enshrine a rights-based approach to addressing youth homelessness. Indeed, a statutory responsibility to provide information, advice, and concrete assistance to young people under the age of 25 who are at risk of, or experiencing homelessness will not only stop the inflow, but will produce much better outcomes for young people and their families.



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