

Shawn Dawson

Legal Problems of the Poor

No Place to Call Home: How Poverty and Queerness Shape Youth Experiences

Professor Scott Homes

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Abstract

In the United States, the law has the power to change the lives of LGBTQ+ people. The Supreme Court's decision in *Obergefell v. Hodges* in 2015, which legalized same-sex marriage nationwide, was a victory for the LGBTQ+ community and has been celebrated as opening doors for additional LGBTQ+ protections under the law. Ten years later, despite the progress the LGBTQ+ community has achieved toward equality in the United States, LGBTQ+ people still face challenges in their daily lives, especially LGBTQ+ youth. This paper explores systemic failures and ongoing discrimination by addressing the disproportionately high rates of homelessness and subsequent criminalization of LGBTQ+ youth.

By sharing some of the experiences of LGBTQ+ people in North Carolina who were willing to share their stories and pulling relevant data, this paper will demonstrate how the home changes from being a safe place into a place some LGBTQ+ youth will never return to, forcing them into impossible circumstances. From the denial of safe housing to the entanglement with the criminal justice system, the lived experiences of many LGBTQ+ youth are marked by violence, discrimination, and hardship. This analysis focuses on LGBTQ+ youth who are homeless within the American South, particularly in North Carolina, where poverty, public institutions, and religious and political stigma intersect in damaging ways. Ultimately, this paper serves as a call to action, highlighting the experiences of LGBTQ+ individuals and encouraging the development of legal reforms and policies that acknowledge their unique circumstances and provide pathways to stability and well-being.

Painting a portrait of LGBTQ+ homelessness

One of the many challenges people face within the LGBTQ+ community is coming out, as it is often met with adversity or rejection from family members or friends. This is especially true

for LGBTQ+ youth today because they are coming out at younger ages.¹ Additionally, coming out is not a simple, linear process. Consider Lara's story, who grew up in Western North Carolina in the small town of Tryon. She recalls that when she was younger, Tryon had a strong conservative presence, something she didn't think much of until after the events that followed. Lara came out to her friends in 7th grade. She knew her sexuality and was happy to express it openly. However, one day everything changed. The small school she attended tried to create a Gay-Straight Alliance (GSA). This was met with strong backlash from her peers and community members. A pastor at the local Baptist church, who was a member of the Parent Teacher Association, claimed during service that anyone who supported the GSA should have "stones tied around their neck and be thrown in the river for their sins."² The backlash became so severe that her school was featured on Good Morning America as a result. Shortly after this experience, Lara went back into the closet out of fear of violence and for self-preservation.

While Lara's story may be shocking, stories like hers have become increasingly common across North Carolina. Her story also raises an important question: What happens when LGBTQ+ youth are not accepted or are rejected due to their sexual or gender identity? They are often forced out of the place they once called home by their family. Although North Carolina lacks comprehensive statewide statistics on LGBTQ+ youth homelessness, organizations like Time Out Youth, which is based in Charlotte, North Carolina, highlight the issue. Sarah Mikhail, the executive director, explains that homeless LGBTQ+ youth make up a large portion of those the organization serves and that it meets LGBTQ+ youth who are homeless daily.³ There are several

¹ Justin McCarthy, LGBTQ+ Adults Are Coming Out at Younger Ages Than in the Past, GALLUP (Jul. 26, 2024), <https://news.gallup.com/poll/647636/lgbtq-adults-coming-younger-ages-past.aspx>.

² Direct quote from interview with Lara.

³ Sarah Mikhail, *There's a Housing Crisis for LGBTQ+ Youth*, Cardinal & Pine (Apr. 26, 2022), <https://cardinalpine.com/2022/04/26/theres-a-housing-crisis-for-lgbtq-youth/#:~:text=Federal%20nondiscrimination%20protections%20would%20go,young%20people%20to%20experience%20homelessness>.

reasons why LGBTQ+ youth become homeless. It is often due to a combination of individual, familial, systemic, and structural factors, many of which are rooted in discrimination, stigma, and lack of support. A study conducted in 2018 found that after coming out, relations in the household often deteriorate over time, leading to LGBTQ+ youth homelessness.⁴ Researchers further noted that households struggling with other hardships, such as loss, addiction, and mental health concerns, exacerbate the conflict LGBTQ+ youth experience within their families as a result of coming out. Additional contributing factors include “aging out of the foster care system, poverty, and shortages of shelters and housing programs.”⁵

Once queer youth become homeless or housing insecure, they are faced with several safety risks. One of these risks is increased drug use, which is more prevalent for LGBTQ+ youth who are homeless in comparison to their non-LGBTQ+ peers who are also homeless.⁶ This can stem from a variety of factors, such as using substances to escape the harsh reality of being homeless. LGBTQ+ youth are also often forced to engage in criminal activity to survive. The Prison Policy Initiative explains that these acts, such as minor thefts, drug sales, or survival sex, are desperate measures LGBTQ+ youth take to secure basic needs like food, shelter, and clothing.⁷ These types of activity can exacerbate mental health concerns, increase sexual health risks, and increase the risk of arrest and detainment. LGBTQ+ youth who experienced homelessness or housing insecurity have higher rates of anxiety, depression, and self-harm, and often cannot seek the care

⁴ Morton, M.H., et al., *Missed opportunities: LGBTQ youth homelessness in America*, Chapin Hall at the Univ. of Chi. 12-13 (2018), <https://www.chapinhall.org/wp-content/uploads/VoYC-LGBTQ-Brief-FINAL.pdf>.

⁵ Nat'l Network for Youth, *Policy Brief: LGBTQ+ Youth Homelessness 1* (2023), <https://nn4youth.org/wp-content/uploads/23-LGBTQ-Policy-Brief.pdf>.

⁶ The Trevor Project, *Homelessness and Housing Instability Among LGBTQ Youth* (Feb. 3, 2022), <https://www.thetrevorproject.org/wp-content/uploads/2022/02/Trevor-Project-Homelessness-Report.pdf>.

⁷ Daiana Griffith, *LGBTQ Youth Are at Greater Risk of Homelessness and Incarceration*, Prison Policy Initiative (Jan. 22, 2019), https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/.

that they need.⁸ This is a result of institutional failures within the United States, particularly concerning access to public assistance.

Access to the Child Welfare System and Public Assistance

LGBTQ+ youth often face obstacles to finding safe housing. Shelters across the United States, including those in North Carolina, are frequently underfunded and lacking the resources to offer LGBTQ+ informed care. This absence of specialized support fails to recognize the unique trauma and experiences of these youths. LGBTQ+ youth also often face violence in shelters or are denied assistance altogether. Although federal rules, such as the 2016 Housing and Urban Development (HUD) Equal Access Rule, prohibit discrimination based on sexual and gender identity in HUD-funded shelters, this rule does not cover religiously affiliated shelters, which are common throughout North Carolina.⁹ Beyond outright denial, transgender youth are frequently misgendered and placed in facilities that do not match their gender identity.

LGBTQ+ youth in foster care also face harm. The Human Rights Campaign reports that about 30% of the foster care population nationwide is LGBTQ+.¹⁰ While the system provides LGBTQ+ youth with a place to stay, they often encounter bias and discrimination while in care.¹¹ Because of this mistreatment, some LGBTQ+ youth choose to avoid the foster care system altogether. Regarding the system's effectiveness, I spoke to Mazzy, a licensed therapist and former social worker, who shared her thoughts on the foster care system in North Carolina. Mazzy explained that she believes that the foster care system is broken, and LGBTQ+ youth are mistreated, especially in "more rural and farming communities where there are few options for

⁸ Trevor Project, *Homelessness and Housing Instability*, supra note 6, at 4.

⁹ Equal Access in Accordance With an Individual's Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64, 763 (Sept. 21, 2016) (to be codified at 24 C.F.R. pts. 5, 576, 578, & 586).

¹⁰ Human Rights Campaign, *LGBTQ Youth in the Foster Care System* (2016), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf>.

¹¹ *Id.*

where they could be treated.”¹² She further notes that social workers who are genuinely dedicated and focused on providing resources for LGBTQ+ youth are rare within the system. “For every 1 social worker who cares, there are 50 others who just let them slip through the cracks, or they would send them to different placements, or not advocate for them. It was really sad.”¹³ Despite these issues, Mazzy points out that the foster care system has improved over the years, particularly since legal protections for LGBTQ+ youth in the child welfare system and the statewide ban on conversion therapy were implemented.

In addition to issues related to housing and protective services, LGBTQ+ youth face challenges in accessing healthcare. Although children who enter the foster care system are immediately eligible for Medicaid nationwide, many LGBTQ+ youth avoid entering the system due to the discrimination they encounter in what should be their home. Homeless youth outside of foster care must go through the standard application process, which requires visiting the Department of Health Services or accessing the computer and internet to complete applications online, obtaining transportation, and providing documents that they may not have access to due to their homelessness.¹⁴ Access to healthcare for LGBTQ+ youth is essential because they have a higher need for mental health services, including counseling, therapy, and gender-affirming care. This need can be linked to family conflict, as previously mentioned, but also to social pressures and discrimination. A survey conducted by the Trevor Project in 2024 found that “39% of LGBTQ+ young people seriously considered attempting suicide in the past year, including 46% of transgender and nonbinary youth.”¹⁵ The survey also revealed that LGBTQ+ youth of color

¹² Direct quote from Interview with Mazzy.

¹³ Direct quote from Interview with Mazzy.

¹⁴ N.C Dep’t of Health and Human servs., *How to Apply for North Carolina Medicaid*, Medicaid (last visited June 24, 2025), <https://medicaid.ncdhhs.gov/apply>.

¹⁵ Ronita Nath et al., *2024 U.S National Survey on the Mental Health of LGBTQ+ Young People*, The Trevor Project (May 1, 2024), <https://www.thetrevorproject.org/survey-2024/>.

reported higher rates than their White peers. These distressing statistics reflect the reality for LGBTQ+ youth. Looking ahead, the United States Supreme Court recently upheld a Tennessee law banning gender-affirming care for minors.¹⁶ Despite the positive outcomes that gender-affirming care provides, this recent ruling may lead other states to ban such care or uphold existing bans, as seen in North Carolina.

Access to Justice and the Impact of the Criminal Justice System

LGBTQ+ youth experiencing homelessness are at higher risk of entering the criminal justice system because their circumstances leave them with no choice but to break the law to survive. These circumstances, combined with the lack of comprehensive legal protections and support from friends and family, perpetuate the cycle of vulnerability they experience and deny them access to meaningful justice. Elijah's story from Fayetteville, North Carolina, illustrates the beginning of this cycle. When he was 15 years old, he came out as gay to his parents. They did not accept this and believed that being gay was a choice. As a result, tensions in the household escalated, and Elijah was in a constant state of turmoil, often experiencing emotional abuse, which worsened his mental health. Elijah recalls being very depressed during this time and struggling to accept that his parents, whom he loved, started treating him this way and could not accept him for who he was. As a result, at age 16, Elijah left his home. He stayed with friends for a few days at a time before moving in with his aunt in Pembroke. During this period, Elijah explained that he felt lost, his mental health continued to decline, and he turned to substance abuse. This pattern continued until Elijah was able to live with a supportive friend who accepted him for who he was during a difficult time. Although Elijah is no longer housing insecure and lives with a member of

¹⁶ United States v. Skrmetti, No. 23-477 (June 18, 2025).

his chosen family, he described how a different interaction with the police could have easily led him into the criminal justice system.

Elijah's luck in avoiding incarceration is, unfortunately, an exception for many LGBTQ+ youth. In 2023, the National Network for Youth reported that LGBTQ+ youth face higher rates of imprisonment than their non-LGBTQ+ peers. The close link between LGBTQ+ youth, homelessness, and incarceration can be attributed to policing. LGBTQ+ youth, especially those who are people of color, face targeting and surveillance by law enforcement. Research conducted by the Center for American Progress shows that LGBTQ+ youth, especially youth of color, are disproportionately subjected to police stops, arrested before age 18, and convicted compared to their non-LGBTQ+ peers.¹⁷ Furthermore, LGBTQ+ youth may also be charged for actions considered illegal solely because they are minors. Common examples include running away from home, truancy, and curfew violations, among others.

Entering the criminal justice system as an adolescent also leads to a series of long-term effects that go beyond the time spent in incarceration. The Prison Policy Initiative reported in 2023 that "youth in the juvenile justice system are likely to end up with juvenile delinquency records...once released."¹⁸ Consequently, LGBTQ+ youth encounter additional obstacles and discrimination when seeking public assistance, renting homes, or applying for jobs, which sustains a cycle of incarceration. Without basic stability, formerly incarcerated LGBTQ+ youth are often compelled to return to survival activities that led to their initial imprisonment. When LGBTQ+ youth become repeat offenders, it can increase their time in prison, where they are more vulnerable to violence, and make it harder to find employment, housing, and other public benefits. The

¹⁷ Ctr. For Am. Progress & Movement Advancement Project, *Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System* (2017), <https://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>.

¹⁸ Griffith, *LGBTQ Youth Are at Greater Risk*, *supra* note 7.

experiences of LGBTQ+ individuals in prison and due to incarceration erode their trust in North Carolina's systems and offer limited opportunities to improve their circumstances or quality of life.

Policy Recommendations for North Carolina

While States across the United States, including North Carolina, have made progress in creating protections and identifying the struggles that LGBTQ+ people and LGBTQ+ youth face, there is still more work that needs to be done. In North Carolina, this legal protection would look like: 1) expanding upon the Anti-bullying law to include nondiscrimination policies that cover LGBTQ+ students; 2) creating nondiscrimination laws for housing; 3) creating standard policy frameworks for LGBTQ+ youth; 4) implementing training and cultural competency for agencies that provide welfare or assistance; and 5) expanding protections and enforcement of the laws that exist for LGBTQ+ youth while in the child welfare system.¹⁹ These policy recommendations would create additional protections for LGBTQ+ people and youth alike, and make it easier for LGBTQ+ youth who are homeless to navigate public institutions for assistance.

To improve access to public assistance, North Carolina should look to models like California, which has established a comprehensive policy framework for identifying and supporting homeless youth. California's "No Wrong Door" or coordinated entry system allows homeless individuals or families to seek help at a shelter, drop-in center, school liaison, or other community resources and be assessed for all relevant public assistance services, including health and food assistance, without being bounced between multiple agencies.²⁰ Furthermore, California has expanded upon the McKinney-Vento Act by empowering local school homeless liaisons to

¹⁹ Movement Advancement Project, *North Carolina's Equality Profile*, supra note 2.

²⁰ Los Angeles Homeless Services Authority (LAHSA), *The Coordinated Entry System in Action*, (last visited June 24, 2025), <https://www.lahsa.org/ces/home/about/>.

verify independent status for homeless youth, allowing them to receive public benefits without the requirement of formal legal emancipation. Although North Carolina has a coordinated entry system, it primarily connects homeless families, rather than specifically connecting youth, to emergency shelter.²¹ The current coordinated entry system prevents local organizations or community contacts from being able to advocate on behalf of LGBTQ+ youth. This means LGBTQ+ youth have to seek assistance from multiple agencies, which takes time, and provide documents they might not have. Providing documentation is often the first step to getting help and could mean the difference between having a place to sleep or sleeping on the street for LGBTQ+ youth. These barriers put additional strain on LGBTQ+ youth who are already facing tough circumstances alone. It also does not allow LGBTQ+ youth to avoid legal emancipation in instances where they need assistance immediately. Implementing these policies and increasing funding would enable North Carolina to effectively address youth homelessness, recognize the unique challenges faced by LGBTQ+ homeless youth, and offer culturally competent care tailored for LGBTQ+ youth.

To improve access to justice for LGBTQ+ youth, North Carolina should repeal or reform laws that criminalize activities like loitering, panhandling, sleeping in public places, or disorderly conduct, which are often survival strategies for all homeless individuals, including LGBTQ+ youth. Establishing a standard policy that prevents criminalization for these behaviors would reduce the number of LGBTQ+ youth entering the criminal justice system and prevent cities across the state from enacting local ordinances that conflict with state law. Additionally, while the goal is to eliminate the circumstances that force youth into survival sex, it is unjust to criminalize those who

²¹ N.C Dep't of Health & Human Servs., *Nc Emergency Solutions Grant* (last visited June 24, 2025), <https://www.ncdhhs.gov/divisions/aging/nc-emergency-solutions-grant#:~:text=Locally%2C%20Coordinated%20Entry%20is%20the,you%20end%20or%20prevent%20homelessness.>

resort to it. Therefore, North Carolina should temporarily modify and create exemptions to the Sex Work Laws for minors engaged in this type of behavior, acknowledging that the state's current system fails to provide adequate resources for homeless youth to meet their basic needs.

Finally, North Carolina should also establish policies that allow minors to consent to services without needing parental permission, which would improve access for LGBTQ+ youth and help prevent them from engaging in illegal activities.²² Along with this policy, North Carolina should broaden fee waivers for obtaining records and documents. Currently, this waiver only covers fees for obtaining an identification card.²³ By expanding this law, fee waivers could be used to obtain birth certificates, social security cards, and other vital documents that LGBTQ+ youth need to access public assistance. Implementing policies like these would reduce the number of entry points into the criminal justice system that LGBTQ+ youth face and help address some of the underlying reasons why they break the law.

Conclusion

LGBTQ+ youth who are homeless desperately need support. Despite the progress made by the LGBTQ+ community overall, the reality for these young people often involves surviving in a system that offers little or no legal protection. Their experiences demonstrate that legal advancements, while essential, are insufficient unless accompanied by protections and support for those most vulnerable, particularly in the face of social hostility and family rejection. The current system, lacking comprehensive anti-discrimination laws and failing child welfare protections while maintaining punitive legal policies, traps these youth in a cycle of homelessness, housing

²² School House Connection, *State Policy and Youth Homelessness: 2023 Q2 Update* (May 5, 2023), <https://schoolhouseconnection.org/article/state-policy-and-youth-homelessness-2023-q2-update>.

²³ School House Connection, *State Laws on Vital Records* (February 1, 2025), <https://schoolhouseconnection.org/article/state-laws-on-vital-records#:~:text=All%20the%20fee%20waivers%20apply,here%2C%20including%20unaccompanied%20homeless%20youth.&text=The%20department%20may%20not%20charge,birth%20certification%20for%20homeless%20persons.&text=A%20homeless%20individual%20is%20eligible,on%20a%20one%2Dtime%20basis>.

insecurity, and criminal justice involvement. To truly promote justice and equality across the United States, particularly in North Carolina, the policies described must be adopted. Recognizing and addressing the hardships faced by LGBTQ+ youth is key to dismantling systemic barriers and fostering acceptance for those who need it most.