

ENROLLMENT OF
UNACCOMPANIED
YOUTH

Unaccompanied youth (UY) is defined as a youth not in the physical custody of a parent or guardian. Unaccompanied youth are able to enroll in (including attending) school without the presence of a parent or guardian. Lack of a legal guardian or guardianship documents cannot delay or prevent the enrollment of UY. 42 U.S.C. §11434A(6), §11432(g)(3)(c), §(g)(1)(H)(iv), §(g)(1)(F)(ii).

TEXAS LAWS

In Texas, the following are pertinent to the definition of laws for UY:

- *Child*: Any person 10 years of age or older and under 17 years of age [Juvenile Justice Code]. Texas Family Code §51.02 (2201).
- *Youth*: Any person under 18 years of age {State Buildings, Grounds, Property Chapter}. Texas Government Code §2165.254 (2002).
- *Runaway*: It is an affirmative defense to the crime of harboring a runaway, if the person notifies the guardian of the child or the agency in which the child was staying within 24 hours of finding out the child has escaped from custody or was voluntarily absent from home without consent of the guardian. Texas Penal Code §25.06 (2002).
- *Suspected Abuse/Neglect*: If school district personnel have reasonable cause to suspect abuse or neglect of an UY, a report must be filed with Child Protective Services (CPS). Texas Family Code §261.101(a) and §261.103(a).

The fact that a youth has run away from home does not necessarily provide reasonable cause to suspect child abuse.