

**COMMISSION ON HOMELESSNESS AND POVERTY
SENIOR LAWYERS DIVISION
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS
STEERING COMMITTEE ON THE UNMET LEGAL NEEDS OF CHILDREN
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
COMMISSION ON DOMESTIC VIOLENCE
JUDICIAL DIVISION
STANDING COMMITTEE ON DELIVERY OF LEGAL SERVICES**

RECOMMENDATION

1 **RESOLVED**, that the American Bar Association adopts the following principles for Homeless
2 Court Programs to the extent appropriate for each jurisdiction:
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4 (1) Prosecutors, defense counsel, and the court should agree on which offenses may be
5 resolved in the Homeless Court Program, and approve the criteria for individual
6 participation, recognizing that defendant participation in Homeless Court Programs shall
7 be voluntary.
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9 (2) Community-based service providers should establish criteria for individual
10 participation in the Homeless Court Program and screen individuals pursuant to these
11 criteria.
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13 (3) The Homeless Court Program shall not require defendants to waive any protections
14 afforded by due process of law.
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16 (4) All Homeless Court Program participants shall have time for meaningful review of
17 the cases and issues prior to disposition.
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19 (5) The Homeless Court Program process and any disposition therein should recognize
20 homeless participants' voluntary efforts to improve their lives and move from the streets
21 toward self-sufficiency, including participation in community-based treatment or
22 services.
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24 (6) Participation in community-based treatment or services shall replace traditional
25 sanctions such as fines, public work service and custody.
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27 (7) Defendants who have completed appropriate treatment or services prior to appearing
28 before the Homeless Court shall have minor charges dismissed, and, where appropriate,
29 may have more serious misdemeanor charges before the court reduced or dismissed.
30 Where charges are dismissed, public access to the record should be limited.