

SENATE BILL 930

O4, D4

9lr2917
CF HB 911

By: ~~Senator Washington~~ Senators Washington, Zirkin, Smith, Carter, Cassilly,
Hester, Hough, Lee, Ready, Waldstreicher, and West

Introduced and read first time: February 15, 2019

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 22, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Unaccompanied Minors in Need of Shelter—Consent to~~ Workgroup to Study
3 Shelter and Supportive Services for Unaccompanied Homeless Minors

4 FOR the purpose of ~~providing that a certain unaccompanied minor in need of shelter has~~
5 ~~the same capacity as an adult to consent to shelter and supportive services;~~
6 ~~authorizing a certain unaccompanied minor in need of shelter to consent to shelter~~
7 ~~and supportive services for a certain child; requiring a certain service provider to~~
8 ~~obtain written consent, including a certain statement, from a certain unaccompanied~~
9 ~~minor in need of shelter before providing shelter and supportive services; prohibiting~~
10 ~~a certain service provider from providing shelter to an unaccompanied minor in need~~
11 ~~of shelter under certain circumstances; requiring a certain service provider to contact~~
12 ~~a certain individual within a certain time period after providing shelter to an~~
13 ~~unaccompanied minor in need of shelter; requiring a certain service provider to~~
14 ~~notify certain authorities of any suspected abuse or neglect in a certain manner;~~
15 ~~providing that a certain service provider is not liable for civil damages or subject to~~
16 ~~certain penalties under certain circumstances; defining certain terms; and generally~~
17 ~~relating to unaccompanied minors in need of shelter~~ establishing the Workgroup to
18 Study Shelter and Supportive Services for Unaccompanied Homeless Minors;
19 providing for the composition, chair, and staffing of the Workgroup; prohibiting a
20 member of the Workgroup from receiving certain compensation, but authorizing the
21 reimbursement of certain expenses; requiring the Workgroup to compile and identify
22 certain information and make recommendations regarding certain matters;
23 requiring the Workgroup to report its findings and recommendations to the Governor

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and the General Assembly on or before a certain date; providing for the termination
 2 of this Act; defining a certain term; and generally relating to the Workgroup to Study
 3 Shelter and Supportive Services for Unaccompanied Homeless Minors.

4 ~~BY adding to~~

5 ~~Article — Family Law~~

6 ~~Section 5-1501 through 5-1505 to be under the new subtitle “Subtitle 15.~~
 7 ~~Unaccompanied Minors in Need of Shelter”~~

8 ~~Annotated Code of Maryland~~

9 ~~(2012 Replacement Volume and 2018 Supplement)~~

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 11 That ~~the Laws of Maryland read as follows:~~

12 ~~Article — Family Law~~

13 ~~SUBTITLE 15. UNACCOMPANIED MINORS IN NEED OF SHELTER.~~

14 ~~5-1501.~~

15 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 16 ~~INDICATED.~~

17 ~~(B) (1) “SERVICE PROVIDER” MEANS A PUBLIC OR PRIVATE NONPROFIT~~
 18 ~~THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO UNACCOMPANIED~~
 19 ~~MINORS IN NEED OF SHELTER.~~

20 ~~(2) “SERVICE PROVIDER” INCLUDES A HOST HOME PROGRAM.~~

21 ~~(C) (1) “SUPPORTIVE SERVICES” MEANS INTERVENTIONS, SERVICES, OR~~
 22 ~~RESOURCES NECESSARY TO ASSIST UNACCOMPANIED MINORS IN NEED OF SHELTER~~
 23 ~~IN ACCESSING AND MAINTAINING HOUSING AND ECONOMIC~~
 24 ~~SELF-SUFFICIENCY.~~

25 ~~(2) “SUPPORTIVE SERVICES” INCLUDES:~~

26 ~~(I) SERVICES FOR FAMILIES TO SUPPORT REUNIFICATION~~
 27 ~~WHERE SAFE AND APPROPRIATE;~~

28 ~~(II) INDIVIDUAL, FAMILY, AND GROUP COUNSELING;~~

29 ~~(III) ASSISTANCE OBTAINING CLOTHING;~~

30 ~~(IV) OUTPATIENT HEALTH, BEHAVIORAL HEALTH, AND~~
 31 ~~SUBSTANCE ABUSE TREATMENT SERVICES;~~

1 ~~(V) ASSISTANCE AND ADVOCACY TO ENSURE ACCESS TO~~
2 ~~EDUCATION UNDER THE MCKINNEY-VENTO HOMELESSNESS ASSISTANCE ACT;~~

3 ~~(VI) EMPLOYMENT ASSISTANCE, JOB TRAINING, AND JOB~~
4 ~~PLACEMENT;~~

5 ~~(VII) TRANSPORTATION;~~

6 ~~(VIII) RECREATIONAL ACTIVITIES;~~

7 ~~(IX) CASE MANAGEMENT, ADVOCACY, AND REFERRAL SERVICES;~~

8 ~~AND~~

9 ~~(X) INDEPENDENT LIVING SKILLS TRAINING.~~

10 ~~(D) "UNACCOMPANIED MINOR IN NEED OF SHELTER" MEANS A MINOR:~~

11 ~~(1) WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR~~
12 ~~GUARDIAN AND LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE;~~
13 ~~OR~~

14 ~~(2) WHOSE STATUS OR CIRCUMSTANCES INDICATE A SIGNIFICANT~~
15 ~~DANGER OF EXPERIENCING HOMELESSNESS IN THE NEAR FUTURE.~~

16 ~~5-1502.~~

17 ~~(A) AN UNACCOMPANIED MINOR IN NEED OF SHELTER HAS THE SAME~~
18 ~~CAPACITY AS AN ADULT TO CONSENT TO SHELTER AND SUPPORTIVE SERVICES.~~

19 ~~(B) AN UNACCOMPANIED MINOR IN NEED OF SHELTER WHO IS A PARENT~~
20 ~~MAY CONSENT TO SHELTER AND SUPPORTIVE SERVICES FOR THE MINOR'S CHILD.~~

21 ~~5-1503.~~

22 ~~(A) (1) A SERVICE PROVIDER SHALL OBTAIN WRITTEN CONSENT FROM~~
23 ~~AN UNACCOMPANIED MINOR IN NEED OF SHELTER BEFORE PROVIDING SHELTER~~
24 ~~AND SUPPORTIVE SERVICES.~~

25 ~~(2) THE WRITTEN CONSENT SHALL STATE THE UNACCOMPANIED~~
26 ~~MINOR IN NEED OF SHELTER'S:~~

27 ~~(I) AGE;~~

28 ~~(II) GUARDIANSHIP STATUS; AND~~

1 ~~(III) LIVING SITUATION.~~

2 ~~(B) A SERVICE PROVIDER MAY NOT PROVIDE SHELTER TO A MINOR IF THE~~
3 ~~SERVICE PROVIDER HAS KNOWLEDGE THAT THE MINOR:~~

4 ~~(1) PROVIDED FALSE INFORMATION IN THE WRITTEN CONSENT~~
5 ~~REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; OR~~

6 ~~(2) DOES NOT MEET THE DEFINITION OF AN UNACCOMPANIED MINOR~~
7 ~~IN NEED OF SHELTER UNDER THIS SUBTITLE.~~

8 ~~5-1504.~~

9 ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
10 ~~SERVICE PROVIDER SHALL CONTACT A PARENT, A GUARDIAN, OR AN ADULT~~
11 ~~RELATIVE OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER AS SOON AS~~
12 ~~POSSIBLE AND WITHIN 72 HOURS AFTER PROVIDING SHELTER.~~

13 ~~(2) A SERVICE PROVIDER SHALL CONTACT ANOTHER ADULT~~
14 ~~IDENTIFIED BY THE UNACCOMPANIED MINOR IN NEED OF SHELTER AS SOON AS~~
15 ~~POSSIBLE IF:~~

16 ~~(I) THE SERVICE PROVIDER DETERMINES THAT IT IS NOT IN~~
17 ~~THE BEST INTEREST OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER TO~~
18 ~~CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE;~~

19 ~~(II) THE SERVICE PROVIDER IS UNABLE TO CONTACT A PARENT,~~
20 ~~A GUARDIAN, OR AN ADULT RELATIVE; OR~~

21 ~~(III) THE UNACCOMPANIED MINOR IN NEED OF SHELTER~~
22 ~~REFUSES TO PROVIDE THE NAME OR CONTACT INFORMATION OF A PARENT, A~~
23 ~~GUARDIAN, OR AN ADULT RELATIVE.~~

24 ~~(3) IF A SERVICE PROVIDER CONTACTS ANOTHER ADULT IDENTIFIED~~
25 ~~BY THE UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER PARAGRAPH (2) OF~~
26 ~~THIS SUBSECTION, THE SERVICE PROVIDER SHALL DOCUMENT THE REASON THE~~
27 ~~SERVICE PROVIDER DID NOT CONTACT A PARENT, A GUARDIAN, OR AN ADULT~~
28 ~~RELATIVE OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER.~~

29 ~~(B) A SERVICE PROVIDER SHALL NOTIFY THE APPROPRIATE AUTHORITIES~~
30 ~~OF ANY SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THIS~~
31 ~~TITLE.~~

1 ~~5-1505.~~

2 ~~A SERVICE PROVIDER THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES~~
3 ~~TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER THIS SUBTITLE IS NOT~~
4 ~~LIABLE FOR CIVIL DAMAGES OR SUBJECT TO ANY CRIMINAL OR DISCIPLINARY~~
5 ~~PENALTY SOLELY BECAUSE THE UNACCOMPANIED MINOR IN NEED OF SHELTER DID~~
6 ~~NOT HAVE CAPACITY TO CONSENT TO THE PROVISION OF SHELTER AND SUPPORTIVE~~
7 ~~SERVICES UNDER THIS SUBTITLE.~~

8 (a) In this section, “unaccompanied homeless minor” means a minor:

9 (1) who is not in the physical custody of a parent or guardian and lacks a
10 fixed, regular, and adequate nighttime residence; or

11 (2) whose status or circumstances indicate a significant danger of
12 experiencing homelessness in the near future.

13 (b) There is a Workgroup to Study Shelter and Supportive Services for
14 Unaccompanied Homeless Minors.

15 (c) The Workgroup consists of the following members:

16 (1) the Senate Chair of the Joint Committee on Ending Homelessness;

17 (2) the House Chair of the Joint Committee on Ending Homelessness;

18 (3) the Secretary of Housing and Community Development, or the
19 Secretary’s designee;

20 (4) the Secretary of Human Services, or the Secretary’s designee;

21 (5) the Secretary of Juvenile Services, or the Secretary’s designee;

22 (6) the Secretary of Health, or the Secretary’s designee;

23 (7) the State Superintendent of Schools, or the State Superintendent’s
24 designee; and

25 (8) additional members invited by the Senate Chair and House Chair of the
26 Joint Committee on Ending Homelessness.

27 (d) The Senate Chair and House Chair of the Joint Committee on Ending
28 Homelessness shall serve as cochairs of the Workgroup.

29 (e) The Joint Committee on Ending Homelessness shall provide staff for the
30 Workgroup.

- 1 (f) A member of the Workgroup:
- 2 (1) may not receive compensation as a member of the Workgroup; but
- 3 (2) is entitled to reimbursement for expenses under the Standard State
4 Travel Regulations, as provided in the State budget.
- 5 (g) The Workgroup shall:
- 6 (1) compile existing information on, identify, and study the unique needs
7 of unaccompanied homeless minors, and identify the public and private sector programs
8 and resources available to meet those needs;
- 9 (2) identify gaps in public and private sector programs and resources
10 available to meet the needs of unaccompanied homeless minors;
- 11 (3) identify barriers to access to safe shelter for unaccompanied homeless
12 minors, and compile information on and study shelter practices in other states; and
- 13 (4) make recommendations on:
- 14 (i) legislation, regulations, and policy initiatives to address the
15 needs of unaccompanied homeless minors in the State;
- 16 (ii) funding requirements and budgetary priorities to address the
17 needs of unaccompanied homeless minors in the State; and
- 18 (iii) any other relevant issues or considerations identified by the
19 Workgroup.
- 20 (h) On or before December 1, 2019, the Workgroup shall report its findings and
21 recommendations to the Governor and, in accordance with § 2-1246 of the State
22 Government Article, the General Assembly.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 ~~October~~ July 1, 2019. It shall remain effective for a period of 1 year and, at the end of June
25 30, 2020, this Act, with no further action required by the General Assembly, shall be
26 abrogated and of no further force and effect.