

Chapter 108

(House Bill 206)

AN ACT concerning

Unaccompanied Minors in Need of Shelter and Supportive Services

FOR the purpose of authorizing a certain unaccompanied minor in need of shelter to consent to shelter and supportive services under certain circumstances; authorizing a certain unaccompanied minor in need of shelter to consent to shelter and supportive services for a certain child; requiring a certain service provider to register with the Department of Housing and Community Development under a certain provision of law and obtain written consent, including a certain statement, from a certain unaccompanied minor in need of shelter before providing shelter and supportive services; requiring a certain service provider to develop and implement a certain procedure to screen staff members who work with minors; prohibiting a certain service provider from providing shelter to an unaccompanied minor in need of shelter under certain circumstances; requiring a certain service provider to contact a certain individual within a certain time after providing shelter to an unaccompanied minor in need of shelter; requiring a certain service provider to contact a certain individual or entity under certain circumstances; requiring a service provider to document certain efforts and communications; requiring a certain service provider to notify certain authorities of any suspected child abuse or neglect in a certain manner; providing that a certain service provider is not liable for civil damages or subject to certain penalties under certain circumstances; requiring the Department to establish and maintain a certain registry and to adopt certain regulations; requiring a certain service provider, for a certain staff member, to apply to the Central Repository for a certain criminal history records check in a certain manner or to request a private agency to conduct a certain background check in a certain manner; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing a certain person to contest the contents of a certain statement or the findings of a certain private agency in a certain manner; defining certain terms; and generally relating to unaccompanied minors in need of shelter and supportive services.

BY adding to

Article – Housing and Community Development

Section 4-2701 through ~~4-2707~~ 4-2708 to be under the new subtitle “Subtitle 27.

Unaccompanied Minors in Need of Shelter and Supportive Services”

Annotated Code of Maryland

(2019 Replacement Volume and 2019 Supplement)

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

Article – Housing and Community Development

SUBTITLE 27. UNACCOMPANIED MINORS IN NEED OF SHELTER AND SUPPORTIVE SERVICES.

4–2701.

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

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

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

(C) “SUPPORTIVE SERVICES” MEANS INTERVENTIONS, SERVICES, OR RESOURCES NECESSARY TO ASSIST UNACCOMPANIED MINORS IN NEED OF SHELTER IN ACQUIRING OR MAINTAINING:

(1) STABLE HOUSING;

(2) PERMANENT CONNECTIONS, INCLUDING ONGOING ATTACHMENTS TO FAMILIES, COMMUNITIES, SCHOOLS, AND OTHER POSITIVE SOCIAL NETWORKS;

(3) EDUCATION AND EMPLOYMENT, INCLUDING HIGH PERFORMANCE IN COMPLETION OF EDUCATION AND TRAINING ACTIVITIES, ESPECIALLY FOR YOUNGER YOUTH, AND STARTING AND MAINTAINING ADEQUATE AND STABLE EMPLOYMENT, PARTICULARLY FOR OLDER YOUTH; OR

(4) SOCIAL AND EMOTIONAL WELL-BEING, INCLUDING THE DEVELOPMENT OF KEY COMPETENCIES, ATTITUDES, AND BEHAVIORS THAT EQUIP A YOUNG PERSON TO SUCCEED ACROSS MULTIPLE DOMAINS OF DAILY LIFE, INCLUDING SCHOOL, WORK, RELATIONSHIPS, AND COMMUNITY.

(D) “UNACCOMPANIED MINOR IN NEED OF SHELTER” MEANS A MINOR:

(1) WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR LEGAL GUARDIAN; AND

(2) ~~WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN AND~~

(I) WHO LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE AS DEFINED IN THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;
OR

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

4-2702.

(A) AN UNACCOMPANIED MINOR IN NEED OF SHELTER MAY CONSENT TO SHELTER AND SUPPORTIVE SERVICES IF THE SERVICE PROVIDER REASONABLY BELIEVES THAT:

(1) THE UNACCOMPANIED MINOR UNDERSTANDS THE SIGNIFICANT BENEFITS, RESPONSIBILITIES, RISKS, AND LIMITS OF THE SHELTER AND SERVICES AND CAN COMMUNICATE AN INFORMED CONSENT;

(2) THE UNACCOMPANIED MINOR UNDERSTANDS THE REQUIREMENTS AND RULES OF THE SHELTER AND SERVICES; AND

(3) THE SHELTER AND SERVICES ARE NECESSARY TO ENSURE THE UNACCOMPANIED MINOR'S SAFETY AND WELL-BEING.

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

4-2703.

(A) (1) BEFORE PROVIDING SHELTER AND SUPPORTIVE SERVICES TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER, A SERVICE PROVIDER SHALL:

(I) REGISTER WITH THE DEPARTMENT; ~~AND~~

(II) DEVELOP AND IMPLEMENT A PROCEDURE TO SCREEN EACH STAFF MEMBER WHO WORKS WITH MINORS, INCLUDING THROUGH A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK OR A PRIVATE AGENCY BACKGROUND CHECK CONDUCTED IN ACCORDANCE WITH § 4-2708 OF THIS SUBTITLE; AND

(III) OBTAIN WRITTEN CONSENT FROM THE UNACCOMPANIED MINOR IN NEED OF SHELTER.

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

- (I) AGE;
- (II) GUARDIANSHIP STATUS, IF KNOWN; AND
- (III) LIVING SITUATION.

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

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

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

4-2704.

(A) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
AFTER PROVIDING SHELTER TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER,
A SERVICE PROVIDER SHALL:

(1) ~~(I) AS SOON AS POSSIBLE AND WITHIN 72 HOURS, CONTACT A PARENT, A GUARDIAN, OR AN ADULT RELATIVE OF AN UNACCOMPANIED THE MINOR IN NEED OF SHELTER AS SOON AS POSSIBLE AND WITHIN 72 HOURS AFTER PROVIDING SHELTER; OR~~

(II) IF THE SERVICE PROVIDER SUSPECTS ABUSE OR NEGLECT BY THE PARENT, GUARDIAN, OR ADULT RELATIVE OF THE MINOR, IMMEDIATELY NOTIFY THE APPROPRIATE AUTHORITIES OF THE SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THE FAMILY LAW ARTICLE; AND

(2) IF THE SERVICE PROVIDER SUSPECTS ANY ABUSE OR NEGLECT OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER, IMMEDIATELY NOTIFY THE APPROPRIATE AUTHORITIES OF THE SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THE FAMILY LAW ARTICLE.

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

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

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

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

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

~~(B) A SERVICE PROVIDER SHALL NOTIFY THE APPROPRIATE AUTHORITIES OF ANY SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THE FAMILY LAW ARTICLE.~~

(B) (1) IF A SERVICE PROVIDER IS UNABLE TO CONTACT, AND DOES NOT SUSPECT ABUSE BY, A PARENT, A GUARDIAN, OR AN ADULT RELATIVE OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER, THE SERVICE PROVIDER SHALL:

(I) NOTIFY THE MINOR OF THE REQUIREMENTS OF THIS SECTION; AND

(II) AFTER PROVIDING THE NOTICE REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH, CONTACT THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN TO DETERMINE IF THE MINOR HAS BEEN REPORTED MISSING BY A LEGAL GUARDIAN.

(2) IF A SERVICE PROVIDER RECEIVES INFORMATION INDICATING THAT AN UNACCOMPANIED MINOR IN NEED OF SHELTER IS MISSING FROM FOSTER CARE, THE SERVICE PROVIDER SHALL CONTACT THE LOCAL DEPARTMENT OF SOCIAL SERVICES.

(3) IF A SERVICE PROVIDER RECEIVES INFORMATION INDICATING THAT AN UNACCOMPANIED MINOR IN NEED OF SHELTER HAS BEEN REPORTED MISSING BY A LEGAL GUARDIAN OTHER THAN THE LOCAL DEPARTMENT OF SOCIAL SERVICES, THE SERVICE PROVIDER SHALL CONTACT LOCAL LAW ENFORCEMENT.

(C) A SERVICE PROVIDER SHALL DOCUMENT EFFORTS AND COMMUNICATIONS MADE UNDER SUBSECTION (B) OF THIS SECTION.

4-2705.

~~(A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A~~ A SERVICE PROVIDER THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER ~~UNDER~~ IN ACCORDANCE WITH THIS SUBTITLE IS NOT CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A DISCIPLINARY PENALTY BASED SOLELY ON THE PROVIDER'S REASONABLE DETERMINATION TO PROVIDE THE SHELTER AND SUPPORTIVE SERVICES.

~~(B) A SERVICE PROVIDER IS CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A DISCIPLINARY PENALTY IF THE SERVICE PROVIDER'S DETERMINATION TO PROVIDE SHELTER AND SUPPORTIVE SERVICES OR THE SERVICE PROVIDER'S CONDUCT IN PROVIDING SHELTER AND SUPPORTIVE SERVICES IS THE RESULT OF THE SERVICE PROVIDER'S:~~

~~(1) GROSS NEGLIGENCE; OR~~

~~(2) WILLFUL OR WANTON ACTS OR OMISSIONS.~~

4-2706.

THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF ALL SERVICE PROVIDERS THAT REGISTER UNDER § 4-2703 OF THIS SUBTITLE TO PROVIDE SHELTER AND SUPPORTIVE SERVICES TO UNACCOMPANIED MINORS IN NEED OF SHELTER.

4-2707.

(A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) THE REGULATIONS SHALL INCLUDE:

(1) A PROHIBITION AGAINST A SERVICE PROVIDER KNOWINGLY HIRING OR RETAINING AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A CRIME INVOLVING:

(I) AN OFFENSE UNDER § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD

CONSTITUTE A VIOLATION OF § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;

(II) CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;

~~(H)~~ (III) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE; ~~OR~~

(IV) CHILD NEGLECT UNDER § 3-602.1 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE NEGLECT UNDER § 3-602.1 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE; OR

~~(H)~~ (V) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A VIOLATION OF § 14-101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE; AND

(2) ~~A REQUIREMENT THAT EACH SERVICE PROVIDER APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH STAFF MEMBER WHO SERVES MINORS.~~ PROVIDE TRAINING FOR EACH STAFF MEMBER WHO SERVES MINORS REGARDING MANDATORY REPORTING OF SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 4-2704 OF THIS SUBTITLE AND § 5-704 OF THE FAMILY LAW ARTICLE.

4-2708.

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) FOR EACH STAFF MEMBER WHO WORKS WITH UNACCOMPANIED MINORS, A SERVICE PROVIDER SHALL:

(1) APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK; OR

(2) REQUEST A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK.

(C) (1) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, THE SERVICE PROVIDER SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) ONE COMPLETE SET OF LEGIBLE FINGERPRINTS OF THE STAFF MEMBER TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE SERVICE PROVIDER AND THE STAFF MEMBER THE CRIMINAL HISTORY RECORD INFORMATION OF THE STAFF MEMBER.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) MAY BE USED ONLY FOR THE SCREENING PURPOSES AUTHORIZED BY THIS SUBTITLE.

(4) A PERSON WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) IF A SERVICE PROVIDER REQUESTS A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK:

(1) THE PRIVATE AGENCY SHALL:

(I) CONDUCT A BACKGROUND CHECK IN EACH STATE WHERE THE SERVICE PROVIDER KNOWS OR HAS REASON TO BELIEVE THE STAFF MEMBER WORKED OR RESIDED DURING THE PAST 7 YEARS; AND

(II) ISSUE A STATEMENT OF THE PRIVATE AGENCY'S FINDINGS
TO:

1. ON REQUEST, THE STAFF MEMBER; AND

2. THE SERVICE PROVIDER; AND

(2) THE STAFF MEMBER SHALL HAVE AN OPPORTUNITY TO CONTEST THE FINDINGS OF THE PRIVATE AGENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.