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DATE: January 28, 2020

BILL NUMBER: HB 206 / SB 207

COMMITTEE: Appropriations

BILL TITLE: Unaccompanied Minors in Need of Shelter and Supportive Services

POSITION: Support with Amendments

House of Delegates Appropriations Committee
Home Office Building, Room 121
6 Bladen St., Annapolis Maryland 21401

Dear House of Delegates Appropriations Committee,

The Maryland Association of Social Services Boards (MASSB) respectfully submits this letter, to support House Bill 206 with amendments. While MASSB understands that there is a need for unaccompanied minors to have access to shelter and supportive services, we do not believe that this legislation as written will protect unaccompanied minors or prevent them from being exploited. Moreover, we believe that this bill should give the Local Departments of Social Services (LDSS) a greater and more meaningful role in serving this population of vulnerable children.

House Bill 206 will allow unaccompanied minors to consent to shelter and supportive services, without an adult. These unaccompanied minors in need of shelter would traditionally come to the attention of the LDSS as "children in need of assistance" (CINA). In these cases, the LDSS would provide them with protection, care, and services unique to their needs. The LDSS is also charged with addressing the needs of the family in a holistic way. Depending on the circumstances that gave rise to the child's homelessness, the LDSS can assess whether the family needs to be connected to some form of public assistance or provide other family preservation services.

We are concerned that the current version of the bill does not specify an age of consent for shelter or supportive services. This is inconsistent with current policy, insofar as children under the age of twelve are considered unqualified to unilaterally make decisions about their well-being. We would recommend setting the age of consent at sixteen. Allowing a child of sixteen to consent to shelter and supportive services is consistent with other areas of existing law. For example, youth at age sixteen may consent to certain medical and mental health services. We would also recommend that the receiving shelter be required to report youth younger than 16 to the LDSS immediately upon presentation.

While the bill requires the shelter or service provider to contact an adult (parent, guardian, relative, or another adult) within 72 hours of providing shelter, there is no requirement to report an unaccompanied

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minor to the Local Department of Social Services (LDSS). We would recommend that the child be brought to the attention of the LDSS after 72 hours, if no parent or guardian is willing or able to either: (1) consent to shelter on behalf of the child or (2) care for the child.

Since shelters often serve only as temporary placements for at risk minors, MASSB is deeply troubled that the bill offers no guidance as to who is responsible for developing a permanency plan for the unaccompanied youth, or how long that youth may stay in a congregate care setting. As child welfare experts, the LDSS know that our children do better in families, and most do not thrive in a congregate care setting. Congregate care should be used only in absolute emergency cases, or when the child's needs are so specialized, they cannot receive the services they need anywhere else. MASSB would insist that the bill be amended to cap the amount of time the child may stay in the shelter to 90 days. At this point, if the shelter has not identified and transitioned the child to a permanent placement, the child must be brought to the attention of the LDSS.

While the bill requires the Department of Housing and Community Development to keep a registry of all shelter providers, we are concerned that a registry is not an adequate substitute for licensure. The bill as written includes a "host home" in the definition of a service provider. As we understand it, these would be private individuals in the community, who agree to take in a child in need of emergency shelter. While we absolutely should encourage individuals to open their homes and hearts for a child in crisis, there needs to be reasonable regulation and monitoring of these homes to ensure that child is kept safe. We would insist that all shelter providers, including host homes, be licensed and monitored to ensure that all employees and individuals in the home at minimum have passed a basic background check, Child Protective Services (CPS) clearance, and the facility or home has been inspected and deemed safe for children.

Lastly, the current version of the bill would only allow a family or youth to bring a claim against the provider if gross negligence or wanton and reckless behavior can be shown. We think this standard of liability is inappropriate for a person or facility that is charged with caring for a vulnerable child. We believe the provider owes that child a greater standard of care. We would recommend that at a minimum, the provider is held to an ordinary negligence standard.

MASSB urges the committee to offer amendments to this bill that will incorporate our recommendations. Without addressing these issues, we inadvertently put our children at risk. We would ask for a favorable report, but only with amendments.

Warm regards,



Paul Stearns, MASSB President