

# SENATE BILL 207

O4, D4, C8

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CF HB 206

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By: **Senators Washington, Carter, Hayes, Kagan, Lam, Lee, McCray, Ready, Smith, Sydnor, West, and Young**

Introduced and read first time: January 16, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unaccompanied Minors in Need of Shelter and Supportive Services**

3 FOR the purpose of authorizing a certain unaccompanied minor in need of shelter to  
4 consent to shelter and supportive services under certain circumstances; authorizing  
5 a certain unaccompanied minor in need of shelter to consent to shelter and  
6 supportive services for a certain child; requiring a certain service provider to register  
7 with the Department of Housing and Community Development under a certain  
8 provision of law and obtain written consent, including a certain statement, from a  
9 certain unaccompanied minor in need of shelter before providing shelter and  
10 supportive services; prohibiting a certain service provider from providing shelter to  
11 an unaccompanied minor in need of shelter under certain circumstances; requiring  
12 a certain service provider to contact a certain individual within a certain time after  
13 providing shelter to an unaccompanied minor in need of shelter; requiring a certain  
14 service provider to notify certain authorities of any suspected child abuse or neglect  
15 in a certain manner; providing that a certain service provider is not liable for civil  
16 damages or subject to certain penalties under certain circumstances; requiring the  
17 Department to establish and maintain a certain registry and to adopt certain  
18 regulations; defining certain terms; and generally relating to unaccompanied minors  
19 in need of shelter and supportive services.

20 BY adding to

21 Article – Housing and Community Development

22 Section 4–2701 through 4–2707 to be under the new subtitle “Subtitle 27.

23 Unaccompanied Minors in Need of Shelter and Supportive Services”

24 Annotated Code of Maryland

25 (2019 Replacement Volume and 2019 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

27 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Housing and Community Development**

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

4 **4–2701.**

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

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

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

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

14 (1) STABLE HOUSING;

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

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

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

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

26 (1) WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR  
27 GUARDIAN AND LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE;  
28 OR

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

1 4-2702.

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

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

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

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

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

14 4-2703.

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

17 (I) REGISTER WITH THE DEPARTMENT; AND

18 (II) OBTAIN WRITTEN CONSENT FROM THE UNACCOMPANIED  
19 MINOR IN NEED OF SHELTER.

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

22 (I) AGE;

23 (II) GUARDIANSHIP STATUS, IF KNOWN; AND

24 (III) LIVING SITUATION.

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

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

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

3 **4-2704.**

4           **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
5 **SERVICE PROVIDER SHALL CONTACT A PARENT, A GUARDIAN, OR AN ADULT**  
6 **RELATIVE OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER AS SOON AS**  
7 **POSSIBLE AND WITHIN 72 HOURS AFTER PROVIDING SHELTER.**

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

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

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

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

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

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

27 **4-2705.**

28           **(A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A**  
29 **SERVICE PROVIDER THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO AN**  
30 **UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER THIS SUBTITLE IS NOT**  
31 **CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A DISCIPLINARY PENALTY BASED**  
32 **ON THE PROVIDER'S DETERMINATION TO PROVIDE THE SHELTER AND SUPPORTIVE**

1 SERVICES.

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

7 (1) GROSS NEGLIGENCE; OR

8 (2) WILLFUL OR WANTON ACTS OR OMISSIONS.

9 4-2706.

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

14 4-2707.

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

17 (B) THE REGULATIONS SHALL INCLUDE:

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

21 (I) AN OFFENSE UNDER § 3-307 OR § 3-308 OF THE CRIMINAL  
22 LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD  
23 CONSTITUTE A VIOLATION OF § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE  
24 IF COMMITTED IN THE STATE;

25 (II) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL  
26 LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD  
27 CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE  
28 IF COMMITTED IN THE STATE; OR

29 (III) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE  
30 CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE  
31 THAT WOULD BE A VIOLATION OF § 14-101 OF THE CRIMINAL LAW ARTICLE IF

1 COMMITTED IN THE STATE; AND

2           (2) A REQUIREMENT THAT EACH SERVICE PROVIDER APPLY TO THE  
3 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE  
4 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR A STATE  
5 AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH STAFF MEMBER  
6 WHO SERVES MINORS.

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