

Chapter 553

(House Bill 911)

AN ACT concerning

~~**Joint Committee on Ending Homelessness – Unaccompanied Minors in Need of
Shelter – Consent to Shelter and Supportive Services**~~
*Workgroup to Study Shelter and Supportive Services for Unaccompanied
Homeless Minors*

FOR the purpose of ~~providing that a certain unaccompanied minor in need of shelter has the same capacity as an adult to consent to shelter and supportive services; 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 obtain written consent, including a certain statement, from a certain unaccompanied minor in need of shelter before providing shelter and supportive services; 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 period after providing shelter to an unaccompanied minor in need of shelter; requiring a certain service provider to notify certain authorities of any suspected 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 altering the duties of the Joint Committee on Ending Homelessness to include certain duties regarding unaccompanied homeless minors; requiring the Committee to include in a certain annual report certain recommendations related to issues regarding unaccompanied homeless minors; defining a certain terms term; and generally relating to unaccompanied minors in need of shelter and the Joint Committee on Ending Homelessness~~ *establishing the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to compile and identify certain information and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; defining a certain term; and generally relating to the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors.*

~~BY adding to~~~~Article – Family Law~~~~Section 5-1501 through 5-1505 to be under the new subtitle “Subtitle 15:
Unaccompanied Minors in Need of Shelter”~~~~Annotated Code of Maryland~~~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article — State Government
 Section 2-10A-15
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)~~

Preamble

~~WHEREAS, During the 2016-2017 school year, Maryland public schools identified 2,337 unaccompanied homeless students who lacked stable housing, were not in the physical custody of a parent or guardian, and were not under the care or custody of a child-serving public agency; and~~

~~WHEREAS, Unaccompanied homeless minors are a largely invisible and highly vulnerable population that often lacks access to safe shelter options and supportive services designed for youth; and~~

~~WHEREAS, Without access to safe shelter options and supportive services designed for youth, unaccompanied homeless minors are at risk for trafficking and other abuse, dropping out of school, juvenile justice involvement, poor mental and physical health outcomes, and other harms; and~~

~~WHEREAS, There is a general lack of knowledge about the unique needs of unaccompanied homeless minors and the public and private sector programs and resources that are available to meet those needs, and there is an urgent need to address gaps in those programs and resources; now, therefore,~~

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

~~Article — Family Law~~

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

~~5-1501.~~

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

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

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

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

~~(2) "SUPPORTIVE SERVICES" INCLUDES:~~

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

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

~~(III) ASSISTANCE OBTAINING CLOTHING;~~

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

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

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

~~(VII) TRANSPORTATION;~~

~~(VIII) RECREATIONAL ACTIVITIES;~~

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

~~AND~~

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

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

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

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

~~5-1502.~~

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

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

~~5-1503.~~

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

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

~~(I) AGE;~~

~~(II) GUARDIANSHIP STATUS; 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) 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.~~

~~5-1504.~~

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

~~(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 THIS TITLE.~~

~~5-1505.~~

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

~~Article State Government~~

~~2-10A-15.~~

~~(A) IN THIS SECTION, "UNACCOMPANIED HOMELESS MINOR" MEANS A MINOR:~~

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

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

~~(a) (B) There is a Joint Committee on Ending Homelessness.~~

~~(b) (C) (1) The Committee consists of 16 members.~~

~~(2) Of the 16 members:~~

~~(i) eight shall be members of the Senate of Maryland, appointed by the President of the Senate; and~~

~~(ii) eight shall be members of the House of Delegates, appointed by the Speaker of the House.~~

~~[(e)](D) (1) The members of the Committee serve at the pleasure of the presiding officer who appointed them.~~

~~(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President of the Senate.~~

~~(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker of the House.~~

~~[(d)](E) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.~~

~~[(e)](F) A majority of the full authorized membership of the Committee is a quorum.~~

~~[(f)](G) The Department of Legislative Services shall provide staff assistance to the Committee.~~

~~[(g)](H) The Committee shall hold:~~

~~(1) an organizational meeting promptly after the appointment of its members; and~~

~~(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.~~

~~[(h)](I) The Committee may:~~

~~(1) hold a hearing on any matter relating to the functions of the Committee; and~~

~~(2) consider a vote on a bill or resolution referred to the Committee by the President of the Senate or the Speaker of the House.~~

~~[(i)] (j)~~ To ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland, the Committee shall:

~~(1) study issues relating to homelessness, including:~~

~~(i) housing;~~

~~(ii) income;~~

~~(iii) health care;~~

~~(iv) education;~~

~~(v) government supports; and~~

~~(vi) veterans experiencing homelessness;~~

~~(2) consult with governmental agencies, community-based organizations, and other stakeholders to identify State policies, programs, and actions that should or could prevent, mitigate the effects of, and end homelessness in Maryland;~~

~~(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;~~

~~(4) search for any intradepartmental or interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies, programs, and actions described in item (2) of this subsection; [and]~~

~~(5) identify new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland;~~

~~(6) (i) COMPILE INFORMATION ON IDENTIFIED UNIQUE NEEDS, IDENTIFY NEW UNIQUE NEEDS, AND STUDY THE UNIQUE NEEDS OF UNACCOMPANIED HOMELESS MINORS; AND~~

~~(ii) IDENTIFY THE PUBLIC AND PRIVATE SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THOSE NEEDS;~~

~~(7) IDENTIFY GAPS IN PUBLIC AND PRIVATE SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS; AND~~

~~(8) (I) IDENTIFY BARRIERS TO ACCESS TO SAFE SHELTER FOR UNACCOMPANIED HOMELESS MINORS; AND~~

~~(H) COMPILE INFORMATION ON AND STUDY SHELTER PRACTICES IN OTHER STATES.~~

~~(i) (K) The Governor's Interagency Council on Homelessness shall:~~

~~(1) cooperate fully with the Committee;~~

~~(2) keep the Committee fully informed as to its priorities and progress; and~~

~~(3) submit an annual report, subject to § 2-1246 of this title, to the Committee on or before October 1 of each year that includes:~~

~~(i) a description of the Council's work;~~

~~(ii) a report on the Council's priorities and progress; and~~

~~(iii) recommendations for new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.~~

~~(k) (L) (1) Subject to § 2-1246 of this title, the Committee shall submit a report to the General Assembly on or before December 1 each year.~~

~~(2) The report shall include:~~

~~(i) a description of the work of the Committee; and~~

~~(ii) any recommendations of the Committee, INCLUDING RECOMMENDATIONS REGARDING:~~

~~1. ANY LEGISLATIVE AND REGULATORY CHANGES AND ANY NEW POLICY INITIATIVES TO ADDRESS THE NEEDS OF UNACCOMPANIED HOMELESS MINORS IN THE STATE; AND~~

~~2. FUNDING REQUIREMENTS AND BUDGETARY PRIORITIES NECESSARY TO ADDRESS THE NEEDS OF UNACCOMPANIED HOMELESS MINORS IN THE STATE.~~

(a) In this section, "unaccompanied homeless minor" means a minor:

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

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

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

(c) The Workgroup consists of the following members:

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

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

(3) the Secretary of Housing and Community Development, or the Secretary's designee;

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

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

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

(7) the State Superintendent of Schools, or the State Superintendent's designee; and

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

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

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

(f) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Workgroup shall:

(1) compile existing information on, identify, and study the unique needs of unaccompanied homeless minors, and identify the public and private sector programs and resources available to meet those needs;

(2) identify gaps in public and private sector programs and resources available to meet the needs of unaccompanied homeless minors;

(3) identify barriers to access to safe shelter for unaccompanied homeless minors, and compile information on and study shelter practices in other states; and

(4) make recommendations on:

(i) legislation, regulations, and policy initiatives to address the needs of unaccompanied homeless minors in the State;

(ii) funding requirements and budgetary priorities to address the needs of unaccompanied homeless minors in the State; and

(iii) any other relevant issues or considerations identified by the Workgroup.

(h) On or before December 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

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

Approved by the Governor, May 13, 2019.