

HOUSE BILL 911

O4, D4

9lr1051
CF 9lr2917

By: **Delegates Krimm, Acevero, Barron, Carr, Hettleman, Jackson, Kipke,
J. Lewis, R. Lewis, McKay, Solomon, and Valentino-Smith**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Unaccompanied Minors in Need of Shelter – Consent to Shelter and Supportive**
3 **Services**

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.

18 BY adding to

19 Article – Family Law

20 Section 5–1501 through 5–1505 to be under the new subtitle “Subtitle 15.
21 Unaccompanied Minors in Need of Shelter”

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2018 Supplement)

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

26 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 15. UNACCOMPANIED MINORS IN NEED OF SHELTER.**

2 **5-1501.**

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

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

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

9 **(C) (1) “SUPPORTIVE SERVICES” MEANS INTERVENTIONS, SERVICES, OR**
10 **RESOURCES NECESSARY TO ASSIST UNACCOMPANIED MINORS IN NEED OF SHELTER**
11 **IN ACCESSING AND MAINTAINING HOUSING AND ECONOMIC**
12 **SELF-SUFFICIENCY.**

13 **(2) “SUPPORTIVE SERVICES” INCLUDES:**

14 **(I) SERVICES FOR FAMILIES TO SUPPORT REUNIFICATION**
15 **WHERE SAFE AND APPROPRIATE;**

16 **(II) INDIVIDUAL, FAMILY, AND GROUP COUNSELING;**

17 **(III) ASSISTANCE OBTAINING CLOTHING;**

18 **(IV) OUTPATIENT HEALTH, BEHAVIORAL HEALTH, AND**
19 **SUBSTANCE ABUSE TREATMENT SERVICES;**

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

22 **(VI) EMPLOYMENT ASSISTANCE, JOB TRAINING, AND JOB**
23 **PLACEMENT;**

24 **(VII) TRANSPORTATION;**

25 **(VIII) RECREATIONAL ACTIVITIES;**

26 **(IX) CASE MANAGEMENT, ADVOCACY, AND REFERRAL SERVICES;**

27 **AND**

1 **(X) INDEPENDENT LIVING SKILLS TRAINING.**

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

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

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

8 **5-1502.**

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

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

13 **5-1503.**

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

17 **(2) THE WRITTEN CONSENT SHALL STATE THE UNACCOMPANIED**
18 **MINOR IN NEED OF SHELTER’S:**

19 **(I) AGE;**

20 **(II) GUARDIANSHIP STATUS; AND**

21 **(III) LIVING SITUATION.**

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

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

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

1 **5-1504.**

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

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

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

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

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

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

22 (B) A SERVICE PROVIDER SHALL NOTIFY THE APPROPRIATE AUTHORITIES
23 OF ANY SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THIS
24 TITLE.

25 **5-1505.**

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2019.