

SUPPORT – HB 206/SB 207 –
Unaccompanied Minors in Need of Shelter and Supportive Services

THE ISSUE:

- **Each year, schools in counties across Maryland identify thousands of unaccompanied homeless minors, or minors who lack stable housing and are not in physical custody of a parent or guardian.**
- **Unaccompanied homeless minors who lack access safe shelter, housing, or foster care are vulnerable to exploitation, unsafe living situations, and school drop-out.** Currently, the only private emergency shelters for unaccompanied homeless minors in Maryland are federally-funded “basic centers.” These programs are a critical and effective resource, but exist only in three Maryland counties and have limited space. Minors are able to contract for rental housing or even a hotel room on their own. The child welfare system does not serve unaccompanied homeless minors whom it determines are not abused or neglected.
- **Many service providers do not provide shelter for unaccompanied homeless minors because Maryland law does not address whether and how they can do so lawfully.** Service providers who wish to provide shelter for minors have requested clarity in the law.

THE SOLUTION:

- **HB 206/SB 207, sponsored by Delegate Carol Krimm and Senator Mary Washington, establishes that unaccompanied minors experiencing homelessness have legal capacity to consent to admission to emergency shelter.** In addition, this legislation will:
 - Require shelter providers serving unaccompanied minors to register with the Maryland Dept. of Housing and Community Development and meet certain criteria;
 - Require shelter providers to notify parents or guardians consistent with longstanding federal Runaway and Homeless Youth Act regulations that govern existing emergency shelter programs for minors experiencing homelessness;
 - Require shelter providers to notify child welfare agencies of any suspected abuse or neglect consistent with Maryland’s mandatory reporting law; and
 - Establish that shelter providers are not legally liable solely due to serving a minor, but remain liable for any negligence or intentional bad acts.
- **HB 206 / SB 207 was developed and requested by the legislative Workgroup to Study Housing and Supportive Services for Unaccompanied Homeless Minors,** whose members included members of the Senate and House of Representatives; State agencies including the Departments of Human Services, Housing and Community development, Health, Education, and Juvenile Services; and geographically diverse community-based service providers and local homeless service systems.
- **HB 206/SB 207 will ensure that unaccompanied homeless minors in Maryland have increased access to safe shelter, which will prevent human trafficking and other exploitation and will enable shelter providers to connect minors to child welfare services when eligible.**

For more information, please contact:

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HB 206/SB 207 – Frequently Asked Questions (FAQs):

Can unaccompanied homeless minors currently access emergency shelters in Maryland?

Maryland law does not prohibit minors from consenting to emergency shelter, and several federally-funded emergency shelters for minors have operated successfully in the state for years. However, because Maryland law does not affirmatively establish that minors have legal capacity to consent to shelter admission, many organizations that would otherwise provide shelter unaccompanied homeless minors do not. By providing clarity in the law, HB 206/SB 207 will lead to creation of additional shelter resources.

Does HB 206/SB 207 affect parental rights?

No, this bill does not alter a parent or guardian's right to regain physical custody of a minor child residing in an emergency shelter. The parental notification requirements in this bill are identical to federal Runaway and Homeless Youth Act regulations that have governed federally-funded emergency shelters for unaccompanied homeless minors operating in Maryland and across the country since the 1970s. If a sheltering organization suspects that it may be unsafe for the child to return home due to abuse or neglect, this bill and Maryland's existing mandatory reporting laws require that the provider must make a report to the Local Department of Social Services, thereby initiating a Child Protective Services investigation.

Will HB 206/SB 207 replace or interfere with the child welfare system?

No. HB 206/SB 207 requires that shelter providers serving unaccompanied minors must contact the Local Department of Social Services (LDSS) to report any suspected abuse or neglect, consistent with Maryland's mandatory reporting law. These shelters provide an immediately accessible, safe space where professionals can ensure that minors who might otherwise remain unknown to the child welfare system are connected to that system. If the LDSS ultimately determines that the minor does not meet eligibility criteria for child welfare services, the shelter provider can continue to provide safe accommodations and services when the public system cannot.

How will this bill prevent human trafficking and other exploitation of minors?

Lack of access to shelter is a primary risk factor for commercial sexual exploitation of children. HB 206/SB 207 will prevent human trafficking and other exploitation of unaccompanied homeless minors by leading to the creation of more safe shelter options for them. This legislation requires that shelter providers serving unaccompanied minors must register with the Maryland Dept. of Housing and Community Development and meet certain criteria.

Does HB 206/SB 207 specify a minimum age for minors to access emergency shelter?

No. HB 206/SB 207 does not specify a minimum age for shelter admission consistent with federal Runaway and Homeless Youth Act regulations and current practices of existing federally-funded emergency shelters for unaccompanied homeless minors in Maryland. This reflects that younger minors may be particularly vulnerable, in need of immediate safety, and in need of supported connection to child welfare services.

Does HB 206/SB 207 shield shelter providers from liability for harm to a minor in their care?

No. This legislation provides that a service provider is not civilly or criminally liable or subject to disciplinary action *solely* based upon its determination to serve a minor. However, a service provider remains civilly or criminally liable or subject to disciplinary action for its determination to provide shelter for a minor or its conduct in providing shelter if such determination or conduct involves negligence or willful or wanton acts or omissions.

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