



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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SUPPORT – HB 206: Unaccompanied Minors in Need of Shelter and Supportive Services

House Appropriations Committee, January 28, 2020

Testimony of Ingrid Lofgren, Homeless Persons Representation Project, Inc.

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP's Homeless Youth Initiative serves unaccompanied homeless youth ages 24 and younger.

The Work Group to Study Housing and Supportive Services, which was established by legislation in 2019, met for six months and after careful deliberation recommended HB 206. House Appropriations Committee members Delegate Krimm and Delegate Valentino-Smith co-chaired the Work Group along with Senator Mary Washington. Work Group members included a bi-partisan group of legislators as well as representatives of the Departments of Human Services, Health, Housing and Community Development, Education, and Juvenile Services. Other members included representatives of local government (Baltimore County, Prince George's County, and Charles County) and non-profit agencies serving youth experiencing homelessness. The Work Group considered research and comparative analysis of state laws presented by Department of Legislative Services analysts, heard testimony from national experts, and engaged in ongoing dialogue. This robust process resulted in the release of a report and recommendations which included HB 206 as the Work Group's primary recommendation.

The Work Group recognized that unaccompanied minors experiencing homelessness in Maryland need access to safe shelter. During the 2017-18 school year, Maryland public schools identified 2,253 students who were homeless on their own without a parent or guardian and were not in foster care.¹ Schools in Baltimore County, Prince George's, Anne Arundel, Charles, Washington, and Frederick and Wicomico Counties identified the highest number of unaccompanied homeless students.² While youth homelessness exists in every jurisdiction in Maryland,³ only three shelters funded pursuant to the federal Runaway and Homeless Youth Act house unaccompanied homeless minors in our state. These programs have limited bed capacity and are located only in Baltimore City, Prince George's County, and Charles County.⁴ While these existing programs offer a critical and effective service, far too many vulnerable minors still lack access to shelter. At HPRP, we see first-hand how homelessness exposes unaccompanied minors to an increased risk

¹ <https://www2.ed.gov/about/inits/ed/edfacts/data-files/school-status-data.html>

² *Id.*

³ AMANDA MILLER ET AL., THE INSTITUTE FOR INNOVATION & IMPLEMENTATION SCHOOL OF SOCIAL WORK UNIVERSITY OF MARYLAND, BALTIMORE, YOUTH COUNT 2017 EXECUTIVE SUMMARY 2 (2017), <http://www.youthreachmd.com/content/wp-content/uploads/2018/02/YRMD-2017-Report-Executive-Summary-FINAL.pdf>.

⁴ See U.S. DEPT. OF HEALTH & HUMAN SERV., ADMIN. FOR CHILDREN & FAMILIES, FAMILY AND YOUTH SERVICE BUREAU, MARYLAND RUNAWAY AND HOMELESS YOUTH GRANTEEES, <https://www.acf.hhs.gov/fysb/grants/maryland-rhy#bcp> (last visited Feb. 13, 2019) (Loving Arms, Inc. and YESS of Charles County, Inc.) see also U.S. DEPT. OF HEALTH & HUMAN SERV., ADMIN. FOR CHILDREN & FAMILIES, FAMILY AND YOUTH SERVICE BUREAU, MARYLAND RUNAWAY AND HOMELESS YOUTH GRANTEEES, <https://www.acf.hhs.gov/fysb/grants/district-of-columbia-rhy> (last visited Feb. 13, 2019) (Latin American Youth Center and Promise Place, which is run by Sasha Bruce Youthwork).

of violence, human trafficking, and exploitation, resulting in a higher incidence of mental and physical health problems, substance abuse, justice systems involvement, unemployment, and school dropout than their housed peers.

Despite the pressing need, nonprofit and government organizations often choose not to shelter minors because Maryland law is silent as to whether minors have legal capacity to consent to shelter admission and related supportive services. HB 206 is the result of nonprofits that provide services to unaccompanied homeless minors requesting legal clarity on how they can lawfully and responsibly provide shelter. These nonprofits recognize that safe and stable shelter and housing are a critical foundation for all other supports and, ultimately, for positive outcomes for minor youth. Youth need shelter in order to participate in school and work, maintain their physical and mental health, and navigate the transition to young adulthood.

HB 206 will establish that minors experiencing homelessness on their own, not in the physical custody of a parent or guardian, have legal capacity to consent to emergency shelter and related supportive services.

In so doing, HB 206 will simply codify the status quo—that minors *can and do* consent to emergency shelter in Maryland—and conform Maryland law to federal regulations governing Runaway and Homeless Youth Act programs. HB 206 will provide clear rules regarding parental notification, mandatory reporting of suspected abuse or neglect, and liability to nonprofit organizations that wish to open their doors to provide life-saving services to unaccompanied minors who are experiencing homelessness on their own. The attached “Frequently Asked Questions” document provides additional information regarding the impact of these specific provisions of HB 206.

HB 206 will provide vital clarity to service providers, which will result in a greater number of providers opting to shelter unaccompanied homeless minors. HPRP emphatically supports HB 206. As a nonprofit legal services provider that serves youth who are experiencing or at risk of homelessness, HPRP recognizes the importance of reducing barriers to shelter and related services, especially for minors experiencing homelessness without a parent or guardian. In a state where thousands of youth find themselves struggling to locate and gain entry to shelters, Maryland must eliminate barriers to accessing shelter and related-services and encourage providers to open their doors to minors experiencing homelessness.

HPRP strongly urges the committee to issue a Favorable Report on HB 206.

Please contact Ingrid Lofgren at ilofgren@hprplaw.org or (443)286-1759 for additional information.

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.