

HOUSE BILL 206

O4, D4, C8

0lr1336
CF 0lr1458

By: **Delegates Krimm, Valentino-Smith, Arikan, Bartlett, Acevero, Anderson, Bagnall, Carr, Ciliberti, Conaway, D.M. Davis, W. Fisher, Haynes, Hettleman, C. Jackson, M. Jackson, Kerr, Lehman, Lopez, McKay, Moon, Palakovich Carr, Pippy, Proctor, Rosenberg, Shetty, and Solomon (By Request – Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors)**

Introduced and read first time: January 16, 2020

Assigned to: Appropriations

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Housing and Community Development

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

4-2701.

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

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

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

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

(1) STABLE HOUSING;

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

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

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

(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.

4-2702.

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

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

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

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

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

4-2703.

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

(I) REGISTER WITH THE DEPARTMENT; AND

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

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

(I) AGE;

(II) GUARDIANSHIP STATUS, IF KNOWN; AND

(III) LIVING SITUATION.

(B) A SERVICE PROVIDER MAY NOT PROVIDE SHELTER TO A MINOR IF THE

1 SERVICE PROVIDER HAS KNOWLEDGE THAT THE MINOR:

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

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

6 4-2704.

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

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

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

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

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

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

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

30 4-2705.

31 (A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A

SERVICE PROVIDER THAT PROVIDES SHELTER AND SUPPORTIVE SERVICES TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER UNDER THIS SUBTITLE IS NOT CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A DISCIPLINARY PENALTY BASED ON THE PROVIDER'S DETERMINATION TO PROVIDE THE SHELTER AND SUPPORTIVE SERVICES.

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

(1) GROSS NEGLIGENCE; OR

(2) WILLFUL OR WANTON ACTS OR OMISSIONS.

4-2706.

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

4-2707.

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

(B) THE REGULATIONS SHALL INCLUDE:

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

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

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

1 (III) A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE
2 CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE
3 THAT WOULD BE A VIOLATION OF § 14–101 OF THE CRIMINAL LAW ARTICLE IF
4 COMMITTED IN THE STATE; AND

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

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