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# Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors

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Final Report

Annapolis, Maryland  
December 2019

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# **Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors**

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December 9, 2019

The Honorable Lawrence J. Hogan, Jr., Governor of Maryland  
The Honorable Thomas V. Mike Miller, Jr., President of the Senate  
The Honorable Adrienne A. Jones, Speaker of the House of Delegates  
Members of the Maryland General Assembly

Ladies and Gentlemen:

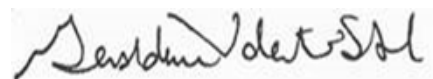
The Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors respectfully submits its final report. The workgroup held five meetings during the 2019 interim to discuss the current system of services and programs available to unaccompanied homeless minors. Members of the workgroup also visited the Youth Empowered Society Drop-in Center in Baltimore City. Under Chapter 553 of 2019 (House Bill 911), the workgroup was responsible for studying and making recommendations regarding the unique needs of unaccompanied homeless minors, the public-and private-sector resources available to meet those needs, and the gaps or barriers that prevent unaccompanied homeless minors from accessing available resources.

We thank the workgroup members for their diligence and attention to the activities of the workgroup. We would also like to acknowledge the assistance provided by many State agencies throughout the process, including the Department of Housing and Community Development, the Department of Human Services, the Department of Juvenile Services, the Maryland Department of Health, and the Maryland State Department of Education. On behalf of the workgroup members, we thank Thomas S. Elder, Jason A. Kramer, Andrew M. Lantner, Kamar Merritt, and Anne P. Wagner of the Department of Legislative Services for their assistance.

Sincerely,



Mary L. Washington  
Senate Chair



Geraldine Valentino-Smith  
House Chair

MLW:GVS/TSE:JAK:APW/km



**Maryland General Assembly**  
**Workgroup to Study Shelter and Supportive Services for**  
**Unaccompanied Homeless Minors**  
**2019 Interim**  
**Membership Roster**

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**Committee Staff**

Thomas S. Elder  
Jason A. Kramer  
Anne P. Wagner



# **Report on the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors**

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## **Background**

Chapter 553 of 2019 (House Bill 911) established the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors. The workgroup's charge was to identify the unique needs of unaccompanied homeless minors, study the current resources and programs available, identify gaps in services or barriers that prevent minors from accessing services, and make recommendations to address the needs of unaccompanied homeless minors in the State. To fulfill this charge, the chairs invited all workgroup members to submit written responses regarding the unique needs, available programs, and funding availability for unaccompanied homeless minors. The agencies' and organizations' responses can be found in **Appendix 3** of this report.

While the definition of homelessness and the age range for individuals to be considered youth vary widely across different programs, the workgroup discussed many programs available for homeless families and youth, typically through age 24. The workgroup focused specifically on gaps and barriers to services for unaccompanied homeless minors. As defined in Chapter 553, an 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.

## **Available Programs and Services for Unaccompanied Homeless Youth**

At the first two meetings on June 26 and September 3, 2019, workgroup members examined the current system of care and services available to unaccompanied homeless youth and minors. There are many federal, State, and local programs serving individuals experiencing homelessness more generally that also benefit and serve unaccompanied homeless youth and homeless families. However, the workgroup highlighted the following programs as resources and services specifically targeted to minors and youth experiencing homelessness.

### **Federal Runaway and Homeless Youth Program**

The U.S. Department of Health and Human Services (HHS) Administration of Children and Families administers a Basic Center Program under the Runaway and Homeless Youth Program that provides emergency care to runaway and homeless minors who are not already receiving services from the child welfare or juvenile justice systems. The program currently awards grants to Basic Centers in Baltimore City, Charles County, and Prince George's County. A public representative from Loving Arms, Inc. discussed how her organization receives funds through this program to provide short-term shelter services (up to 21 days) and supportive services

to minors. HHS Administration of Children and Families also provides grants through the Street Outreach Program and Transitional Living Program, as part of the Runaway and Homeless Youth Program.

## **Homelessness Grant Programs**

Chapter 748 of 2018 (Senate Bill 1218), the Ending Youth Homelessness Act, established the Ending Youth Homelessness Grant Program under the Department of Housing and Community Development (DHCD) to provide funds for unaccompanied homeless youth and youth at risk of homelessness through age 24. In fiscal 2020, DHCD provided a total of \$9.3 million to Continuums of Care (CoC) through the Homelessness Solutions Program, with \$1.0 million dedicated to programs and services for unaccompanied homeless youth. Maryland has 16 CoCs that act as the regional or local planning bodies to coordinate housing and services funding for homeless families and individuals. Eligible activities for the funds dedicated to homeless youth include street and community-based outreach, drop-in programs, emergency shelter, rental assistance, case management, planning, and implementation. DHCD elected to restrict eligibility for funding to programs serving individuals ages 18 through 24 in fiscal 2020.

Under the Homelessness Solutions Program, DHCD also distributes State and federal funding as part of the federal Emergency Solutions Grant (ESG) Program administered by the U.S. Department of Housing and Urban Development (HUD). ESG awards can be used for a variety of services for any individual experiencing homelessness, including street outreach, emergency shelter, homelessness prevention, and rapid re-housing. DHCD awarded a total of \$160,000 in ESG funds in fiscal 2018 to the Youth Empowered Society Drop-in Center in Baltimore City and the Prince George's County Department of Social Services (DSS) for youth-specific services.

## **Programs for Youth Transitioning Out of Foster Care**

The federal Family Unification Program administered by HUD offers housing choice vouchers for rental assistance to families involved in the child welfare system for whom the lack of adequate housing is the primary cause for a child's out-of-home placement or delay in family reunification. Youth ages 18 to 24 who have left foster care or are leaving foster care within 90 days and are homeless or at risk of becoming homeless are also eligible for vouchers under this program. Family Unification Program vouchers for transitioning youth are limited to three years. Notably, minor youth heads of household are not eligible for youth Family Unification Program vouchers.

The Department of Human Services (DHS) implements the Ready by 21 Initiative to aid youth ages 14 to 21 in reaching self-sufficiency prior to transitioning out of the foster care system by focusing on certain outcomes, including permanent and supportive connections and safe and stable housing. DHS receives federal funds from the HHS Administration for Children and Families to support youth ages 14 to 21 transitioning out of foster care through the



John H. Chafee Foster Care Program for Successful Transition to Adulthood. In fiscal 2020, DHS budgeted approximately \$1 million from the John H. Chafee Foster Care Independence Program for these purposes. Among other uses of these funds, the local DSS can provide monthly stipends to youth in semi-independent living arrangements that prepare youth to sustain their housing once they exit foster care.

### **Federal McKinney-Vento Homeless Assistance Act and Related Funding**

In accordance with the federal McKinney-Vento Homeless Assistance Act, local school systems must provide support to ensure that each child of a homeless individual and each unaccompanied homeless youth has equal access to the same free public education as provided to other children and youths. The federal Every Student Succeeds Act of 2015 altered the definition of homeless children and youth under the McKinney-Vento Homeless Assistance Act, allowing foster youth to remain in their school of origin if it is in their best interest. Local school systems currently offer supportive services for homeless youth, such as transportation, tutoring or other supplemental instruction, referrals for health services, early childhood education programs, and payment of fees associated with obtaining required records such as birth certificates and immunization records. The Act also requires each local school system to designate a homeless education coordinator. These coordinators are responsible for identifying homeless children, youth, and families in the community and managing the referrals of homeless children to health care, dental care, mental health services, and other appropriate services among other responsibilities.

The Maryland State Department of Education (MSDE) also receives federal funding through the McKinney-Vento Education for Homeless Children and Youth Program. The allowable uses of these funds do not currently include shelter and housing supports. In the 2018-2019 academic year, MSDE awarded a total of \$937,818 across 15 jurisdictions. The majority of these funds are spent on transportation to enable school districts to satisfy the federal mandate that students experiencing homelessness may attend their school of origin if doing so is in their best interest.

### **Children's Cabinet Interagency Fund Awards**

State funding from the Children's Cabinet Interagency Fund is available for programs serving homeless youth that apply through each jurisdiction's Local Management Board (LMB). LMBs ensure the implementation of a local interagency service delivery system for children, youth, and families. The Children's Cabinet chose reducing youth homelessness as one of its funding priorities in its 2015 Strategic Plan, and in fiscal 2020, the Children's Cabinet awarded \$777,755 specifically for programs and strategies aiming to reduce youth homelessness.

## **Unique Needs and Barriers to Services**

Under the current network of homeless and supportive services in Maryland, the workgroup found that while multiple providers and agencies serve and interact with unaccompanied homeless minors, State law and regulations do not expressly allow minors to consent to shelter or housing services. In practice, this means that only a limited number of shelter providers are willing to serve minors, due to liability concerns, and that no State agencies award grants for shelter services for minors. This gap in services especially impacts runaway and disconnected minors from families who do not meet the definition of abuse or neglect for Child Protective Services (CPS) under DHS and do not receive any other type of housing supports. These minors lack access to child welfare services and do not have legal capacity to enter into a legally binding contract for rental housing or hotel rooms. This leaves them vulnerable to human trafficking and other exploitation.

Among the providers who choose to shelter unaccompanied minors in Maryland, there are currently no mechanisms for monitoring aside from audits and inspections required for the provider to receive federal, State, or local grant awards. There is a monitoring and licensing system in place, however, for each agency that oversees children in out-of-home placements, including DHS, MSDE, the Maryland Department of Health, and the Department of Juvenile Services.

The workgroup also considered other barriers that lead to unaccompanied homeless minors being underserved. For example, some homeless minors and minors at risk of homelessness are not aware of existing supportive services and programs. Although State and federal grant programs include outreach as an allowable use of funds in many cases, disconnected youth may not know about existing supportive services. Unaccompanied minors often do not seek services due to fear of becoming involved in the child welfare system or getting their parents in trouble. Furthermore, minors and youth experiencing homelessness may not trust or feel comfortable in programs that are not developmentally appropriate for them or designed to match their experiences or needs.

Even when unaccompanied homeless minors seek out assistance, the workgroup discussed the following factors that can prevent minors from accessing housing and supportive services.

- Unaccompanied homeless youth who are eligible for rental assistance programs may face barriers to this service when landlords are unwilling to enter lease agreements because minors lack legal capacity to contract.
- A lack of reliable transportation can inhibit minors and youth from consistently receiving supportive services.
- Although unaccompanied homeless minors are eligible to receive Medical Assistance, they may not access the program if they do not have a signature from an authorized representative.

- Minors in transition from foster care services or the juvenile justice system may become disconnected from available services once they leave their placement.
- Depending on a program's funding source and the applicable definition of homelessness, minors may not be eligible for shelter or services if they are temporarily staying at a friend's or relative's house.

## Review of State Comparison Findings

Staff for the workgroup studied how other states oversee youth homelessness programs. Research focused on the report, *Alone Without A Home: A National Review of State Laws Affecting Unaccompanied Youth (2019)*, prepared by the National Law Center on Homelessness and Poverty and the National Network for Youth. The report is a 50-state survey on relevant statutes, resources, and corresponding agency information on how each state responds to youth homelessness. Workgroup staff focused on (1) whether states have specific statutes relating to unaccompanied homeless minors; (2) if unaccompanied minors can consent to medical care; (3) the general ability of minors to consent to contracts; and (4) which state-level agencies manage homeless services. Staff also researched other state statutes as models for potential legislation. The workgroup, through a series of discussions, focused on four states and how they manage youth homeless services: Hawaii, Missouri, Oregon, and Washington.

In Maryland, general homeless services oversight is shared between local jurisdictions and the CoC, though there is no direct oversight by State-level agencies aside from audits and inspections required to receive State funding. Minors have the same capacity as an adult to consent to medical treatment if the minor is married, is the parent of a child, is living apart from the minor's parents or guardian and is self-supporting, or if the minor's life or health would be adversely affected by delaying treatment in an emergency situation (Maryland Health General § 20-102(a)-(b)). However, statute is unclear as to whether unaccompanied homeless minors retain the right to consent to medical care. In addition, minors 15 years and older may contract for annuities and for life insurance on themselves or for those whom they have interest (Maryland Estate and Trusts § 13-503).

Hawaii's DHS regulates and licenses homeless shelters. The department is also responsible for operating homeless shelters within the state. The department coordinates with counties to identify locations for temporary emergency shelters. Minors 15 years and older may enter into contracts generally relating to life and health insurance. In addition, homeless minors under the age of 18 may consent to shelter services so long as they are aware of the responsibilities and limitations of the shelter while giving informed consent.<sup>1</sup> In 2018, the Hawaii State Legislature considered legislation to grant civil liability immunity to those offering homeless services so long

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<sup>1</sup> 2012 Hawaii Revised Statutes Title 20. Social Services 346. Department of Human Services 346-17.6 Consent to no cost emergency shelter and related services. <https://law.justia.com/codes/hawaii/2012/title-20/chapter-346/section-346-17.6>

as those offering the services act in good faith and within the scope of their duties; however, the bill did not pass.<sup>2</sup>

Missouri divides the responsibility of overseeing youth homeless services between the counties and its DSS Family Support Division. While the counties administer a Community Service Children's Fund that offers homeless services for up to 30 days, the Family Support Division licenses residential care facilities for homeless youth.<sup>3</sup> Contracting for housing and medical services is permitted if a minor is (1) 16 or 17 years old; (2) homeless or a victim of domestic violence; (3) self-supporting; and (4) living independently of the minor's parent(s) or guardian(s) control with consent.<sup>4</sup>

Oregon also divides its homeless service oversight between two agencies. Similar to Missouri, Oregon's DHS provides regulatory oversight of child caring agencies (which include residential care to children), and the Housing and Community Services Department manages funds for persons who are at risk of becoming homeless or are already homeless. However, Oregon authorizes certain minors to contract for the necessities of residential living, including contract for living units and utilities (Oregon Statute § 109.697). To do so, a minor must be (1) 16 or 17 years of age; (2) under 16 years of age and the parent of a child who are living in the physical custody of the person; or (3) under 16 years of age and pregnant with a child who will live with the minor.

Washington's Department of Children, Youth, and Families oversees the licensing and regulations for HOPE Centers, which are facilities providing sheltering and homeless services to street youth. HOPE Centers must facilitate the return of street youths to the youth's legally authorized residence as soon as possible. In addition, HOPE Centers must refer to the department for services or dependency proceedings when appropriate.<sup>5</sup> Although Washington's general age of consent for health care is 18, minors may consent to medical care so long as they meet the standards under the "Mature Minor Doctrine."<sup>6</sup>

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<sup>2</sup> Hawaii State Legislature SB2628 [https://www.capitol.hawaii.gov/Archives/measure\\_indiv\\_Archives.aspx?billtype=SB&billnumber=2628&year=2018](https://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=2628&year=2018)

<sup>3</sup>Title XII Public Health and Welfare Chapter 210 <https://revisor.mo.gov/main/OneSection.aspx?section=210.486&bid=11362&hl=>

<sup>4</sup>Title XXVIII Contracts and Contractual Relations <https://revisor.mo.gov/main/OneSection.aspx?section=431.056&bid=35622&hl=>

<sup>5</sup>RCWs Title 74 Chapter 74.15 Section 74.15.02074.15.010 74.15.020 74.15.030 <https://app.leg.wa.gov/RCW/default.aspx?cite=74.15.020>

<sup>6</sup>Providing Health Care to Minors Under Washington Law <https://www.washingtonlawhelp.org/resource/providing-health-care-to-minors-under-washing>

## **Recommendations**

Chapter 553 requires the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors to make recommendations on:

- legislation, regulations, and policy initiatives to address the needs of unaccompanied homeless minors in the State;
- funding requirements and budgetary priorities to address the needs of unaccompanied homeless minors in the State; and
- any other relevant issues or considerations identified by the workgroup.

## **Legislation**

The workgroup came to a strong consensus after robust discussion and consideration of expert testimony that legislation should be introduced in 2020 to (1) allow minors to consent to housing and shelter services; (2) require minors to understand the responsibilities, risks, and limits of the shelter and services; and (3) establish a registry of service providers that serve unaccompanied homeless minors. A draft of the proposed legislation can be found in **Appendix 1** of this report. The workgroup noted that without access to shelter, unaccompanied homeless minors are vulnerable to human trafficking and other harm. Shelters designed to serve unaccompanied homeless minors help connect these minor youth to the child welfare system and, when a minor is ineligible for child welfare services, provide a vital alternative to the streets or other unsafe living situations. Therefore, the proposed legislation especially impacts runaway and disconnected minors from families who do not meet the definition of abuse or neglect for CPS under DHS and do not receive any other type of housing supports by allowing them to consent to shelter services.

DHCD indicates that it does not currently provide grants for shelter services to unaccompanied homeless minors due to liability concerns of service providers. The proposed legislation would alleviate that concern by expressly permitting minors to consent to the services as well as providing a protection from liability in most cases. DHCD indicates that it would make funding available to programs sheltering or housing unaccompanied homeless minors if the proposed legislation is enacted.

The proposed legislation allows minors to consent to shelter services as long as they understand the benefits, responsibilities, risks, and limits of the shelter and its services and can communicate their informed consent; that they understand the rules of the shelter and its services; and that the shelter and its services are necessary to ensure their safety and well-being. It also allows an unaccompanied minor parent to consent to services on behalf of their child. While this recommendation was widely supported by nearly all members of the workgroup, it should be noted that DHS argued in favor of setting a minimum age requirement of 16 in order to be allowed to

consent to shelter and services. However, after considering other state laws and expert testimony, the workgroup decided that setting a minimum age would create an unnecessary barrier to shelter for unaccompanied homeless minors and would limit Maryland providers already sheltering minors younger than 16 years of age under the federal Basic Center Program, which does not impose a minimum age. The workgroup determined to model the parental notification requirements on the federal Basic Center Program regulations and noted that the proposed legislation does not affect parental rights. The workgroup generally agreed that mandatory reporting requirements in the case of suspected abuse or neglect as well as other requirements would sufficiently protect an unaccompanied homeless minor seeking shelter and connect them with CPS under DHS when appropriate.

The proposed legislation also requires DHCD to establish and maintain a registry of service providers and to promulgate regulations establishing the registry. The workgroup also supported the requirement that those regulations prohibit service providers from hiring individuals convicted of certain crimes that would disqualify a person from working with children.

### **Other Policy Initiatives**

In addition to the proposed legislation, the workgroup also recommends increasing the funding available to providers of services for unaccompanied homeless minors and young adults. DHCD funds homelessness services via its Homelessness Solutions Program that provided more than \$9 million in grants to providers in fiscal 2019. The fiscal 2020 appropriation added \$1 million in additional funds to the Homelessness Solutions Program in order to implement Chapter 748. The workgroup found that current funding levels are insufficient, as DHCD received approximately \$3.7 million in funding requests for youth services.

The workgroup briefly discussed certain best practices and guidelines that could be required and monitored by DHCD before service providers could receive grants to house unaccompanied homeless minors in shelters. These potential guidelines include a defined set of standards of care, certain developmentally appropriate services based on the minor's age, and reporting requirements included in the registry established under DHCD, among other practices. The workgroup recommends that DHCD require or encourage these practices in its regulations establishing the provider registry and in any guidelines for grant programs that would fund shelter services for unaccompanied homeless minors if the proposed legislation takes effect. Standards of care for programs sheltering unaccompanied homeless youth should be developed in consultation with service providers and youth with lived experience of homelessness.

## Appendix 1: Proposed Legislation

O4, D4, C8

0lr1336  
CF 0lr1458

Bill No.: \_\_\_\_\_

Drafted by: Lantner

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

**By: Delegates Krimm and Valentino-Smith (By Request – Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors)**

### A BILL ENTITLED

AN ACT concerning

#### **Unaccompanied Minors in Need of Shelter and Supportive Services**

FOR the purpose of authorizing a certain unaccompanied minor in need of shelter to consent to shelter and supportive services under certain circumstances; 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 register with the Department of Housing and Community Development under a certain provision of law and 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 services 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 after providing shelter to an unaccompanied minor in need of shelter; requiring a certain service provider to notify certain authorities of any suspected child 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; requiring the Department of Housing and Community Development to establish and maintain a certain registry and to adopt certain regulations; defining certain terms; and generally relating to unaccompanied minors in need of shelter and supportive services.

BY adding to

Article – Housing and Community Development

Section 4–2501 through 4–2507 to be under the new subtitle “Subtitle 25. Unaccompanied Minors in Need of Shelter and Supportive Services”

Annotated Code of Maryland

(2019 Replacement Volume and 2019 Supplement)

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 25. UNACCOMPANIED MINORS IN NEED OF SHELTER AND SUPPORTIVE SERVICES.**

#### **4–2501.**

(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) “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.**

**4-2502.**

**(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.**

#### **4–2503.**

**(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 SHALL STATE THE UNACCOMPANIED MINOR IN NEED OF SHELTER’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 SERVICE PROVIDER HAS KNOWLEDGE THAT THE MINOR:**

**(1) KNOWINGLY 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.**

#### **4–2504.**

**(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, 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 THE FAMILY LAW ARTICLE.**

**4-2505.**

**(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 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.**

**4–2506.**

**THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF ALL SERVICE PROVIDERS THAT REGISTER UNDER § 4–2503 OF THIS SUBTITLE TO PROVIDE SHELTER AND SUPPORTIVE SERVICES TO UNACCOMPANIED MINORS IN NEED OF SHELTER.**

**4–2507.**

- (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 THIS STATE; OR**

**(iii) A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD**

**BE A VIOLATION OF § 14–101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE;  
AND**

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

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



## **Appendix 2: Chapter 553 of 2019 (House Bill 911)**

## 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.~~

~~[(c)] (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~~

~~(ii) 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.**



## **Appendix 3: Responses**

Stuart Campbell August 9, 2019 email:

In preparation for the September 3<sup>rd</sup> meeting of the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors, the Maryland Department of Housing and Community Development (the Department) has responded to the questions put forth by the Chairs in their July 25, 2019 letter to Workgroup members. Additionally, the Department has attached the following documents for reference:

- January 2019 Report on Available Services and Barriers for Youth Experiencing Homelessness in Maryland (**Attachment A**);
- HSP Program Components Quick Reference Guide (**Attachment B**); and,
- The Youth Homelessness Program Resource (**Attachment C**).

Below are responses to the questions:

**The unique needs of unaccompanied homeless minors.**

Based on existing concerns related to liability of service providers serving minor youth, the Department policy currently restricts the use of Department funds for minor youth, and consequently, the Department does not currently administer funds for minor youth. However, **Attachment A** includes details on the unique needs of unaccompanied homeless youth more broadly, including minors and unaccompanied homeless youth between the ages of 18-24.

**The public and private-sector programs and resources available to meet those needs:**

The Department manages \$9.3 million in Homelessness Solutions Program funds, some of which are allocated to serving youth aged 18-24. For FY2020, the Governor included an additional \$1 million specifically targeted to unaccompanied homeless youth.

**The gaps in public and private sector programs and resources available to meet the needs of unaccompanied homeless minors.**

Due to liability concerns of our service providers, the Department does not currently support programs targeted to unaccompanied homeless minors, however, **Attachment A** does address some of the gaps in programs and resources serving unaccompanied homeless youth.

**The barriers to access safe shelter for unaccompanied homeless minors.**

**Attachment A** includes an overview of barriers to accessing shelter and other services for unaccompanied homeless youth.

In addition, the workgroup has requested the following details on the funding sources that DHCD receives or administers through grant awards that can be used to serve unaccompanied homeless minors. See the Department's responses below.

- **All available funding sources, including federal, State, and local funds, that your agency receives that can be used to serve unaccompanied homeless minors.**

The Department does not currently support services to address the needs of unaccompanied homeless minors because of liability concerns of our service providers.

- **A description of all restrictions and allowable uses of these funding sources and grants.**

A summary of allowable activities and expenses under the Homelessness Solutions Program is included below, and the full description of all restrictions and allowable uses of funding is included in **Attachment B**.

- *Outreach:* Engagement, case management, transportation, special events (resource fairs, Point-in-Time counts).
- *Emergency shelter:* Shelter operations, case management, onsite childcare, outpatient health services, mental health services, substance use treatment services, legal services, education services, employment assistance, and job training, life skills training, transportation and transitional housing.
- *Housing stabilization services* (Rapid re-housing & Homelessness prevention): Rental assistance, financial assistance, housing search and placement, case management, mediation, legal services, and credit repair.
- *Homeless Management Information System (HMIS):* Data management technology, salaries and training/technical assistance expenses.

A summary of allowable activities under the Ending Youth Homelessness Act is included below, and the full description is included in **Attachment C**.

- *Street and community-based outreach:* tools for locating, identifying and building relationships with youth, case management services in order to connect youth to mainstream resources and emergency shelter programs, providing meals, blankets, clothes, toiletries, or transportation for unsheltered households to emergency shelters, participation in Youth REACH, stipends for youth participation in activities organized by the Continuum of Care, outreach events (such as homeless resource days) targeted to youth experiencing homelessness.

- *Drop-in programs:* operating costs and operations of the day/drop-in program, service coordination for essential services such as medical, dental, behavioral health care, housing search support, workforce and educational development assistance, family engagement services, general case management, and emergency shelter access.
- *Emergency shelter:* Operations of the shelter, such as rent and utilities, as well as services provided by the shelter, including case management
- *Rental assistance:* Short (up to 3 months) or medium-term (up to 24 months) rental assistance to assist youth in maintaining or obtaining permanent housing. Host Homes or other short-term programs designed as a bridge to permanent housing are an eligible activity
- *Case management:* Services that support youth placed or who are already living in permanent housing, to ensure they remain housed and connected to mainstream resources.
- *Planning and implementation:* Evaluating data, conducting a needs analysis, developing and establishing a Youth Action/Advisory Board, identifying and designing program models based on need and training for staff to understand the challenges and barriers for youth experiencing homelessness.
- **A list of grant awards distributed by your agency that are used to serve unaccompanied homeless minors.**

Grant awards administered by the Department do not currently serve unaccompanied homeless minors because of liability concerns of our service providers.

- **If applicable, the statute or legislation that governs the administration of each funding source.**

The Homelessness Solutions Program is governed by the following statutes and legislation:

- A. The Crisis Shelter Home Program for the Homeless, as set forth in §4-2201 et seq. of the Housing and Community Development Article, Annotated Code of Maryland (the Act);
- B. The Rental Allowance Program, as set forth in §4-1402 et seq. of the Act.

- C. The Housing Navigator and Aftercare Program, as set forth in §4-2301 et seq. of the Act.
- D. The Ending Youth Homelessness Act, as set forth in §11.5-101 et seq. of the Act.
- E. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, as set forth in 42 U.S.C. 11371 et seq.

**Dept. of Legislative Services Office of Policy Analysis, Maryland General Assembly  
Workgroup Assignment:**

**In preparation for the September 3rd meeting, we request that your organization or agency submit a response regarding the following topics as they relate to the policy areas, programs, and services administered by your organization or agency. The written responses may be submitted to workgroup staff by Friday, August 23rd to be included in the meeting materials. The response should discuss:**

**The unique needs of unaccompanied homeless minors**

There are definitional complications around the term “unaccompanied minors.” The term could refer to an unsupervised child and/or homeless youth. It could also refer to migrant or immigrant children in the US that are unaccompanied by a parent.

Minor youth who are Maryland citizens/residents, who present as homeless, must be referred to the LDSS pursuant to the Child Abuse Prevention and Treatment Act (CAPTA) child welfare federal mandate. This federal law provides guidance to States on how to protect and serve children who are victims of abuse, neglect, or abandonment.

Unaccompanied homeless youth between the ages of 14 -17 are designated as children in need of assistance (CINA) due to neglect if they do not have a parent or guardian willing or able to care for them. Often times, unaccompanied youth come from families with severe dysfunction. This includes substance abuse, mental illness, physical illness, domestic violence, and poverty. Many of these youth lack relative or community resources and supports. Occasionally, LDSS intervention may trigger a youth to run away, which puts them at greater risk for trafficking and homelessness. Ultimately, these youth have a higher rate of adverse childhood experiences that can affect their everyday functioning and development and their ability to successfully transition into adulthood. Due to stability issues, these youth are at an increased risk to have mental, behavior, and physical health issues. Poverty, domestic violence, parental addiction, sexual orientation, and gender identity issues can often be a conduit to family separation.

Youth who experience these types of situations have unique needs, and require support to address their physical, behavioral, and emotional health, as well as educational needs. Youth need supportive connections, whether within a family or the community that lead to permanency and stability. In addition, youth need enhanced life and relationship skills to help them identify dangerous situations, in order to safeguard them from human and sex trafficking, physical and sexual abuse, and exploitation.

In the case of unaccompanied migrant children, DHS/SSA has limited resources to support children and youth who are temporarily detained. These youth often are in the care of the federal government, and are served through a federal contract with the Office of Refugee Resettlement which provides shelter care services to undocumented minor youth.



## **The public-and private-sector programs and resources available to meet those needs**

DHS provides preventive in-home services and support to families. These supports are designed to promote the safety and well-being of children and their families, enhance a parent's ability to create a safe and stable home environment, and maintain permanency while preserving family unity. In-Home Services programs are designed to enable a child to remain safely at home while receiving intervention services. Ensuring the safety, well-being and permanence of children is paramount to child welfare practice throughout Maryland.

A child is only removed from their home environment if it is determined that their safety and well-being is compromised. In this instance, DHS is prepared to seek out an alternative safe and permanent place for youth to call home. Most recently with the enactment of SB 24, this provision has allowed DHS to expand our definition of kinship care to include fictive kin (kinship caregiver) as a family resource for our youth that are at risk for entering foster care or are in foster care. This broader definition includes those who have a strong emotional connection with a youth or family but without a blood or legal relationship, allowing the state to introduce formal kinship fictive kin to the court to include family members beyond the 5th degree of consanguinity to become kinship caregivers.

The DHS Ready By 21 (RB21) Initiative was created to coordinate efforts to secure financial and human resources to establish transitional services for youth to prepare them for young adulthood and ensure they have the opportunity to successfully transition out of foster care.

To guarantee that youth achieve successful outcomes as they prepare for adulthood, five key factors were recently revised and include:

- Education & Employment
- Permanent & Supportive Connections
- Safe & Stable Housing
- Well-Being & Civic Engagement
- Financial Empowerment

The RB21 Benchmarks is a resource tool used by youth, their caseworker, and supportive adult in designing their transitional plan. The newly revised RB21 Benchmarks are universal and have minimum expectations for all youth ages 14 to 21. The benchmarks provide opportunities for youth to have "normative" learning experiences that assist youth and their caseworker in identifying goals, creating tasks, and measuring outcomes for transitioning out of their foster care placement. Outcomes for achieving these benchmarks may be different for each youth due to their functionality, mental and physical capabilities. DHS continues to strive towards ensuring that all youth who leave their foster care placement are independent and successful adults. DHS has focused on education, employment and stable housing as a priority for youth exiting foster care.

### **Stable Housing Initiatives**

#### **THRIVE @ 25**

Thrive @ 25 initiative is a Children's Bureau-funded for youth at-risk of Homelessness Demonstration Grant focusing on youth in foster care on the Mid-Shore. The Institute for Innovation & Implementation at the University of Maryland, School of Social Work is the lead, partnering with DHS, the Mid-Shore Local Departments of Social Services

(Caroline, Dorchester, Kent, Queen Anne's, & Talbot Counties), and the National Center for Housing & Child Welfare. Thrive@ 25 is a three phase process. Phase I concentrated on gathering information on the targeted population. Thrive @ 25 is currently in Phase II (9/30/15 - 9/29/18). Phase II concentrates on model intervention. This intervention primarily focuses on enhancing the youth transition plan and ensuring the plan is guided by the youth.

## **SILA AND ILP**

DHS also has two placement options specific to independent housing for older youth in foster care. The purpose of these options is to prepare youth to sustain their housing once they exit foster care. Semi Independent Living Arrangements (SILA) are for youth approved to receive a monthly stipend from the LDSS to pay their rent and other necessary expenses. SILA is funded through the Chafee funds. The monthly stipend is the same as the public board and care rate issued to public resource providers. The second option is Independent Living Programs (ILPs). ILPs allow youth to reside in a program operated by a Private Contractor licensed as a Child Placement Agency that simulates independence. Youth placed in an ILP receive supportive services and supervision from staff to assist with self-sufficiency. It is worth noting that regardless of placement options the RB 21 goals and plans follow the youth during their out-of-home placement.

## **FUP VOUCHERS**

When youth exit care, DHS has secured partnerships to assist with housing options. DHS has partnered with Department of Housing and Community Development (DHCD) for the Family Unification Program (FUP). DHCD is the holder of the Housing Choice Vouchers. The vouchers cover rental payments. LDSS refers families and transitioning youth to DHCD. The Family Unification Program (FUP) is a program under which Housing Choice Vouchers (HCVs) are provided to two different populations:

1. Families for whom the lack of adequate housing is a primary factor in
  - a. The imminent placement of the family's child or children in out-of-home care,
  - Or
  - b. The delay in the discharge of the child or children to the family from out-of-home care.

There is no time limitation on FUP family vouchers.

2. Transitioning Foster Youth -Eligible youths who have attained at least 18 years of age and not more than 24 years of age and who have left foster care, or will leave foster care within 90 days. Once issued, youth are able to utilize the voucher for 36 months. In addition to rental assistance, supportive services are provided by DHCD to FUP youth. Examples of the skills targeted by these services include money management skills, job preparation, educational counseling, and proper nutrition and meal preparation.

### **New Futures Bridge Subsidy Program**

DHS, DHCD, and GOCCP collaborated to develop the **New Futures Bridge Program**. Participants receive this short-term tenant-based voucher rental assistance program 1 year of rental subsidy. Subsidized units are subject to housing Quality Standards (HQS) inspection. Qualified Individuals are victims of violence or youth aging out of Foster Care.

### **The gaps in public and private sector programs and resources available to meet the needs of unaccompanied homeless minors**

Current State regulations and DHS policy support services for youth up to their 21st birthday. Additional extended after care services are also available to youth up to their 23rd birthday. However, the availability of resources across the state varies depending on location and funding sources.

### **The barriers to access safe shelter for unaccompanied homeless minors**

Neglected youth who do not have a parent or guardian available to care for them are the responsibility of the LDSS. This is clearly defined in the Child Abuse Prevention and Treatment Act (CAPTA), which provides guidance to States about child protection, and who should intervene to provide supportive services to children who have been abused, neglected, or abandoned. The LDSS provides for the needs of this population, and currently the LDSS does not have any particular barriers to support these youth.

Youth who are neglected and do not have a parent or guardian or fictive kin available to care for them are the responsibility of the LDSS. Currently the LDSS does not have any particular barriers to support these youth.

**In addition to the above topics, we request that your agency or organization provide the following information by Friday, August 23rd to be included in the meeting materials:**

**All available funding sources, including federal, state, and local funds that your agency receives that can be used to serve unaccompanied homeless minors;**

The funds listed below can be utilized to support transitioning youth.

- Federal
  - John H. Chafee Foster Care Program for Successful Transition to Adulthood Grant

- Tuition Waiver & Education and Training Vouchers
  - Title IV-B, Part 1
  - Title IV-E
- State/LDSS
  - Flex funds
  - Special flex funds

**A description of all restrictions and allowable uses of these funding sources and grants**

- John H. Chafee Foster Care Program for Successful Transition to Adulthood
  - Youth in out-of-placement who are transitioning from care to independence (ages 14-21)
- Tuition Waiver
  - Youth who enter foster care on or after their 13th birthday and have been in care for at least one year consecutively, and have completed high school are eligible for this waiver. Additionally, siblings meeting the above requirement and is in a permanent placement with that sibling, is also eligible for the waiver.
  - The tuition waiver is available to eligible youth up until their 25th birthday and gives up to 10 years to complete post secondary higher education or vocational training.
- Education and Training Vouchers
  - Youth in foster care between 14-21 and
  - Youth who were adopted or entered kinship guardianship at age 16 years of age or were in a out-of home placement on their 18th birthday
  - Youth must apply before age 21 and can receive up to the age of 26 with a maximum of 5 years

**A list of grant awards distributed by your agency that are used to serve unaccompanied homeless minors**

Beyond the DHS budget allocations to LDSS, there are no other grant awards distributed by DHS that are used to serve unaccompanied homeless minors.

**If applicable, the statute or regulation that governs the administration of each funding source**

- John H. Chafee Foster Care Program for Successful Transition to Adulthood
  - 42 U.S. Code § 677. John H. Chafee Foster Care Program for Successful Transition to Adulthood

- IV-B, Part 1 - Stephanie Tubbs Jones Child Welfare Services
  - Funds are used to promote the welfare of children, prevent neglect, abuse or exploitation of children, support at risk families through services which allow children when appropriate to remain with their families or return to their families in a timely manner, promote safety, permanence and well being of children in foster care and adoptive families, and provide training professional development and support to ensure a well qualified workforce
- Title IV-E Foster Care
  - Funds are available for monthly maintenance payments for the daily care and supervision of eligible children; administrative costs to manage the program; training of staff and foster care providers; recruitment of foster parents and costs related to the design, implementation and operation of a statewide data collection system.
- Child Abuse Prevention and Treatment Act (CAPTA)
  - An Act to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes. 93rd (Congress 1973-1974)
- Foster Youth Savings Program
  - Provides mechanism for youth to acquire funds that support a successful transition into adulthood while acquiring savings to reinforce life skills learned to support housing, education, financial empowerment and career investments that lead to independence and self-sufficiency (Maryland General State Funds)

### Unique needs of unaccompanied homeless minors

Unaccompanied homeless youth face profound threats to their day-to-day survival and well-being. Compared to their peers, these youth are at disproportionately high risk of: school dropout; mental and physical health problems (including substance abuse, depression, post-traumatic stress disorder, and HIV infection, with little-to-no access to health care); suicide; crime victimization, including homicide, assault, rape, and trafficking; involvement in crime and incarceration; unsafe sexual behavior, including submission to sexual exploitation; unplanned pregnancy; and, unemployment.<sup>1</sup>

The vast majority of unaccompanied homeless youth do not become homeless by choice. Many factors contribute to youth homelessness, but studies indicate that the following are the primary causal factors:

- **Family dysfunction and abuse:** Most unaccompanied homeless youth become homeless as a result of family dysfunction and/or abuse in the home. Studies have found that 21-40% of homeless youth were sexually abused and 40-60% were physically abused prior to running away.<sup>2</sup> Unaccompanied homeless youth commonly experience family violence; heightened family conflict; death or incarceration of a parent or caretaker; and/or parental neglect due to poverty, substance abuse, or other mental illness. Additionally, many unaccompanied homeless youth have been rejected by their families because of their sexual orientation, gender identity, disability, mental illness, and/or pregnancy.
- **Aging out of the foster care system:** Youth who have aged out of the foster care system without the skills and resources to support themselves sometimes become unaccompanied homeless youth. Studies estimate that 12-36% of youth ages 18 or 21 exiting the foster care system in the United States become homeless.<sup>3</sup>
- **Exiting the juvenile justice system:** Nationally, approximately 100,000 young people exit the formal custody of juvenile justice systems each year.<sup>4</sup> Many become homeless because they lack the skills and economic opportunity to become self-sufficient, lack family and community support systems, and face barriers to employment and re-enrollment in school.
- **Economic hardship:** Families may be unable to fully support themselves and their children when they are facing economic hardship due to joblessness; lack of education/skills; the rising cost of basic necessities, including sustainable and affordable housing; and the depressed economic climate. Many youth are forced to seek shelter on their own when their families are unable to support them.<sup>5</sup>

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<sup>1</sup> Report of the SB764/HB823 Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth. November 1, 2013

<sup>2</sup> U.S. Department of Health & Human Services, Administration On Children, Youth, & Families, *Sexual Abuse Among Homeless Adolescents: Prevalence, Correlates, and Sequelae* (November 2002); Marjorie J. Robertson et al., *Homeless Youth: Research, Intervention, and Policy* 8 (1999).

<sup>3</sup> R. White, *Introduction*, 83 Child Welfare 389, 389-392 (2004).

<sup>4</sup> Howard N. Snyder, *An Empirical Portrait of the Youth Reentry Population*, 2 Youth Violence and Juvenile Justice 39, 39 (2004).

<sup>5</sup> National Network for Youth, *Homeless Youth in America: Who Are They?*

<http://www.nn4youth.org/system/files/Homeless%20Youth%20in%20America-Who%20Are%20They.pdf> (last visited August 5, 2019).



The 2018 Youth REACH Youth Count highlights that food assistance was by far the most sought-after service by youth, followed by emergency shelter, mental health services, job training, and health care.<sup>6</sup> In addition to being generally less mature and less skilled than older homeless youth, unaccompanied homeless minors face barriers to accessing services and records and making decisions for themselves based purely upon the legal limitations attached to their age. Examples of these barriers include:

- **Identification and Documentation:** Among the many barriers to housing, employment, and public assistance confronting homeless youth is a lack of identification documents. In Maryland, individuals must present proof of identity in order to secure a job, enroll in community college, or apply for Public Housing, Housing Choice Vouchers, the State Rental Assistance Program, Temporary Cash Assistance, Food Supplement Program benefits, or Medical Assistance. Moreover, it is often necessary to produce one form of identification in order to obtain another; for instance, individuals may obtain a replacement Social Security card only upon showing a State-issued driver's license or identification card, passport, or similar document.<sup>7</sup>
- **Benefits:** In addition to the identification barriers needed to access public benefits, minors face eligibility challenges when a youth is still claimed as dependents of parents or guardian who are currently receiving benefits. Many benefits programs, such as Temporary Cash Assistance and the Food Supplement Program, are not intended for minor-heads of households. Policies such as COMAR 07.03.03.16 requiring a protective payee for a "pregnant or unmarried minor parent" expands the burdens upon an already vulnerable population. Adding barriers to accessing assistance for a population with access to on average fewer resources, makes attaining housing and self-sufficiency even more difficult. Additionally, while there are no regulations prohibiting minors from being certified as their own household, a lack of training from case managers often results in inaccurate interpretations of the policy as well as an undue burden placed on the minor to verify that they are not purchasing and eating food with their parent/guardian.
- **Housing:** Many subsidized housing programs are available to adults only; private landlords are often unwilling to contract with minors without the involvement of parents or legal guardians.<sup>8</sup>
- **Employment/Income:** Homeless youth often have limited education and employment experience, which makes finding and maintaining employment difficult, particularly given that the number of jobs for transition-age youth has decreased. A lack of a stable address, clothing, and social capital presents further challenges. Additionally, work permits, which must be signed by a parent or guardian, are required for all minors under the age of 18 to work in Maryland.
- **Healthcare:** Pursuant to a bill enacted by the Maryland General Assembly in 2012, unaccompanied homeless minors can now consent to their own healthcare without risk that

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<sup>6</sup> Miller, A., Unick, J., Hoey, E., & Harburger, D.S. (2019). Maryland Youth Count 2018: A Report on the Findings from Youth REACH MD's Third Survey of Unaccompanied Youth and Young Adults Experiencing Homelessness. Baltimore, Md.: The Institute for Innovation and Implementation, University of Maryland School of Social Work. Pg 24.

<sup>7</sup> U.S. Department of Health & Human Services. *Putting Positive Youth Development into Practice; A Resource Guide* 3-8 (2007).

<sup>8</sup> Report of the SB764/HB823 Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth. November 1, 2013

their treating clinicians will suffer adverse legal consequences related to the absence of parental consent.<sup>9</sup> This change in the law represents an important first step in connecting unaccompanied minors with care, but significant barriers remain. In particular, unaccompanied homeless minors cannot easily apply for Medical Assistance (Medicaid) or the Children's Health Program (MCHP) without the involvement of a parent or legal guardian. The result is that many unaccompanied homeless minors go uninsured, making providers less inclined to treat them, particularly for specialty services, because of the inability to bill for that care.

#### **Public- and private-sector programs and resources available to meet those needs**

**Emergency housing & non-residential drop-in:** There are two federally-funded emergency shelters for unaccompanied homeless minors in two jurisdictions in Maryland, Loving Arms, Inc. in Baltimore City and Sonya's House operated by YESS! of Charles County. Other programs in Prince George's County, include Promise Place, operated by Sasha Bruce Youthwork, and the Latin American Youth Center/Maryland Multicultural Youth Center's host homes. The YES Drop-In Center in Baltimore, which provides a safe space for youth ages 14-25 who are homeless or at-risk to meet basic needs and establish supportive relationships, is the only program of its kind in the State.

**McKinney-Vento Act:** Federal and state law provides tools to support unaccompanied homeless youth in their education. The McKinney-Vento Act, 42 U.S.C. §11431 et seq., along with the implementing regulations, COMAR 13A.05.09, requires local education authorities (LEAs, also referred to as "local school systems"), acting under the supervision of the Maryland State Department of Education (MSDE), to affirmatively identify and support homeless students, including unaccompanied homeless youth. McKinney-Vento entitles unaccompanied homeless youth, as well as other homeless students specific protections.

**SHIP (Student Homelessness Initiative Partnership) of Frederick County:** SHIP is a non-profit that provides immediate needs of youth and families experiencing homelessness including, hygiene items; new clothing and shoes; youth activities and experiences; and emergency shelter. SHIP of Frederick County supports the New Horizons program to support the educational needs of homeless students throughout the school year and during the summer.

**Thrive@25:** Thrive@25 is a three-year, \$2 million implementation grant from the U.S. Department of Health and Human Services, Administration on Children and Families, Children's Bureau to end and prevent homelessness among youth and young adults with current or prior child welfare involvement Child Welfare. This program focuses specifically on youth in the five Mid-Shore counties who are either entering foster care between ages 14-17, in foster care between ages 18-21, or homeless youth and young adults under 21 with child welfare histories.

#### **Gaps in public- and private-sector programs and resources available to meet the needs of unaccompanied homeless minors**

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<sup>9</sup> For a description of the new law, see Healthcare for the Homeless, Memorandum: Changes in MD law regarding healthcare services for homeless youth (2013), available at, [http://www.hchmd.org/documents/Memotoproviders--youthconsenttohealthcare\\_000.pdf](http://www.hchmd.org/documents/Memotoproviders--youthconsenttohealthcare_000.pdf) (last visited October 1, 2013).



The housing options currently available for unaccompanied homeless youth in Maryland are woefully inadequate to meet the need. Loving Arms, Inc. and Rose Street Youth Shelter in Baltimore City, which each have the capacity to serve approximately 8 youth. In Prince George's County, Promise Place, operated by Sasha Bruce Youthwork, has the capacity to serve approximately 20 youth, and Latin American Youth Center/Maryland Multicultural Youth Center's host homes, have the capacity to serve 4 youth.<sup>10</sup> Generally, there is a lack of shelter and resources available to serve youth ages 18-24 but even fewer available to unaccompanied minors.

#### **Barriers to access safe shelter for unaccompanied homeless minors**

Transition-age youth often avoid adult shelters because of fear of harassment or victimization, yet there are no emergency shelters specifically for this group in the state. According to anecdotal accounts from homeless youth and service providers in Maryland, young people experiencing homelessness are often reluctant to identify themselves or seek help from service providers because they fear that their parents will get in trouble and/or they will be placed in foster care. Maryland's mandatory reporting laws require health practitioners, police, educators, and human service workers to report any suspected child abuse or neglect, which includes "the leaving of a child unattended or other failure to give proper care or attention." However, Maryland's Criminal Law specifies that "neglect does not include the failure to provide necessary assistance and resources...when the failure is due solely to a lack of financial resources or homelessness." Thus, under current law, the status of being an unaccompanied homeless minor may or may not give rise to mandatory reporting requirements. This may lead to confusion and inconsistency with regard to how and when unaccompanied homeless youth are reported across the State.

#### **Funding information**

<b>Children's Cabinet Interagency Fund</b>
Allowable Costs <sup>11</sup> include, but are not limited to: <ol style="list-style-type: none"><li>1. All reasonable direct costs associated with activities funded by the Office and/or Children's Cabinet, except for any indirect costs and direct costs identified as unallowable costs listed in Section V, Subsection 10, Part E; and,</li><li>2. Bonuses that are:<ol style="list-style-type: none"><li>a. Are based on documented job performance, a written job appraisal or some other documented, measurable criteria;</li><li>b. Are available to all employees within the same class;</li><li>c. Are part of a defined benefit plan; and,</li><li>d. Do not increase an employee's salary and/or to circumvent payroll limitations.</li></ol></li></ol>
Unallowable Costs <sup>12</sup> include, but are not limited to: <ol style="list-style-type: none"><li>1. Alcoholic beverages;</li><li>2. Bad debts;</li><li>3. Contributions and donations to charitable organizations not in support of a defined activity;</li></ol>

<sup>10</sup> Report of the SB764/HB823 Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth. November 1, 2013

<sup>11</sup> The State of Maryland Policies and Procedures Manual for Local Management Boards Effective January 1, 2018

<sup>12</sup> The State of Maryland Policies and Procedures Manual for Local Management Boards Effective January 1, 2018

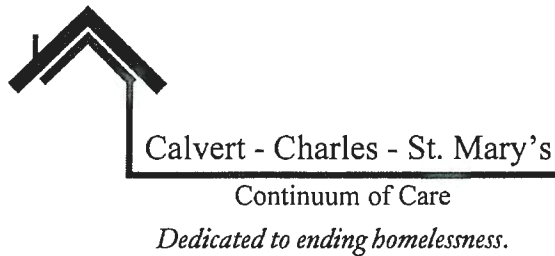
4. Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringement;
5. Entertainment costs;
6. Incentive compensation, as follows:
  - a. That does not involve all sources of funding;
  - b. That is not based on job performance, a written job appraisal or some other documented, measurable criteria;
  - c. That is not available to all employees within the same class;
  - d. That is not part of a defined benefit plan;
  - e. Does not increase an employee's salary and/or to circumvent payroll limitations; and/or,
  - f. That is not issued pursuant to an agreement or an established plan entered into in good faith between the organization and the employees before the services were rendered.
7. Personal use by employees of organization-furnished automobiles (including transportation to and from work) and other assets;
8. Fines and penalties and interest on fines and penalties;
9. Assets, goods or services for personal use;
10. Interest on borrowed capital/lines of credit;
11. Costs of organized fundraising;
12. Costs of investment counsel/management;
13. Lobbying;
14. Losses on other awards;
15. Renovation/remodeling and capital projects;
16. Gifts for Board members and/or employees;
17. Food and beverages, except for:
  - a. Those incurred by Board members and employees traveling overnight on official Board business;
  - b. Bulk drinking water for coolers where tap water is not potable;
  - c. Those routine expenses for the operation of a program serving children and youth (e.g., snacks served to children on a regular basis at an out-of-school time program funded by the Board);
  - d. Meetings/focus groups/forums where the majority of attendees expected are family and/or youth; and/or,
  - e. Special events where the majority of attendees are not Board members or staff or State/local Agency representatives.
18. Costs of training/technical assistance offered by consultants that the Office and/or the Children's Cabinet or one of its member Agencies makes available to the Board and its vendors at no cost;
19. Any plaque or item presented to a speaker, official, legislator, vendor, or other person in recognition of service provided with a value in excess of \$50;
20. Any expenses relating to the establishment, maintenance or liquidation of foundation or other accounts that the Board utilizes for the purpose of maintaining earned reinvestment

<p>and other State funds, to the extent that the Board does not receive prior approval for the expenses;</p> <p>21. Investment fees and losses;</p> <p>22. Flex fund expenditures;</p> <p>23. Gift card expenditures, except for incentives for participants attending meetings/ focus groups/forums where:</p> <ol style="list-style-type: none"> <li>The Board purchases only the number of gift cards necessary based on the number of participants;</li> <li>The Board, or its vendor/consultant, does not establish or maintain an inventory of gift cards; and,</li> <li>The participants are families and/or children/youth.</li> </ol> <p>24. For fee-for-service contracts, vendor staff vacation, sick leave and other leave time during which services were not provided.</p>
<p>FY 2020 Grant Awards:</p> <ul style="list-style-type: none"> <li>Anne Arundel – Pop-Up Youth Drop-In Center</li> <li>Baltimore County – Unaccompanied Homeless Youth Outreach Services</li> <li>Charles - After Hours for Opportunity Youth (AHOY) Planning grant</li> <li>Frederick – New Horizons</li> <li>Wicomico – Navigation/Local Access Mechanism</li> </ul>
<p>The Children’s Cabinet Interagency Fund is authorized by the Human Services Article §§ 8-501–506.</p>
<p><b>Federal Funding</b></p> <ul style="list-style-type: none"> <li>For a complete list of all of the funding sources administered by the Governor’s Office of Crime Control and Prevention, please visit: <a href="http://goccp.maryland.gov/grants/programs/">http://goccp.maryland.gov/grants/programs/</a>.</li> <li>Grant programs that may be able to fund initiatives to address the needs of unaccompanied homeless minors include, but are not necessarily limited to: <ul style="list-style-type: none"> <li>Byrne Justice Assistance Grants (BJAG) support a broad range of state and local criminal justice initiatives critical to Maryland's ultimate goal of safe communities. Funds are intended to reduce existing gaps in service that impact violent crime, crime victims, enforcement, prosecution, adjudication, detention, and rehabilitation.</li> <li>The Children’s Justice Act Committee (CJAC) provides grants to states to improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim.</li> <li>The Title II Formula (JJAC) funds support reform in Maryland’s juvenile justice system and focus on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform, which are: <ol style="list-style-type: none"> <li>Accountability without Criminalization;</li> <li>Alternatives to Justice System Involvement;</li> <li>Individualized Response Based on Assessment of Needs and Risks;</li> <li>Confinement Only When Necessary for Public Safety;</li> <li>A Genuine Commitment to Fairness;</li> <li>Sensitivity to Disparate Treatment, and;</li> </ol> </li> </ul> </li> </ul>

7. Family Engagement.

- The purpose of the Victims of Crime Act (VOCA) program is to improve the treatment of victims of crime by providing victims with the assistance and services necessary to aid their restoration after a violent criminal act, and to support and aid them as they move through the criminal justice process. Victim assistance includes services such as crisis intervention, counseling, emergency transportation to court, temporary housing and criminal justice support and advocacy.

For more information about these funding sources, please contact Justice Schisler, Chief of Programs, at [justice.schisler@maryland.gov](mailto:justice.schisler@maryland.gov).



August 23, 2019

Department of Legislative Services  
Office of Policy Analysis  
90 State Circle  
Annapolis, MD 21401

To Whom It May Concern:

The Calvert-Charles-St. Mary's Continuum of Care works in a collaborative manner to provide housing resources and linkages to available services throughout Southern Maryland. We have been tasked to provide information regarding how our community addresses the specific needs of unaccompanied homeless minors (UHM). Please see below the responses to your questions:

While this challenge exists for most homeless individuals, it is especially challenging when persons are homeless minors as there are fewer resources targeting this population. Research has confirmed that homeless minors face a higher risk for sex trafficking due to limited housing options, increased interaction with the criminal justice systems and at higher risks for undiagnosed and untreated mental health and addiction needs.

1. **The unique needs of unaccompanied homeless minors:** UHM have some of the following unique needs: (a) ability to access resources without the authority to sign any documents for services; (b) multitude of agencies who can aid with varying eligibility requirements, often conflicting, due to funding sources; (c) person-centered and culturally competent services, particularly focusing on LGBTQ youth (40% of the rural homeless youth population); and, (d) free and flexible transportation options to allow them to get to appointments, work and school.
2. **The public and private-sector programs and resources available to meet those needs:** Southern Maryland needs the following to meet the needs: (a) Flexible funding that can provide gap funding where other sources cannot, i.e., subsidies, paid internships, transportation; (b) greater collaboration with non-custodial family or friends who can take them in but need financial and therapeutic support to maintain support of the minor.



Calvert - Charles - St. Mary's

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3. **The gaps in public and private sector programs and resources available to meet the needs of this population:** Southern Maryland is located in a sub-rural area where there are barriers to accessing services due to limited transportation resources and limited affordable housing stock. We also do not have a designated “day program” specific to this population. While there are existing “day programs” available in each county that target those that are homeless, unaccompanied homeless minors may not feel as comfortable as somewhere that is specifically designed for them. The region is open to considering “host home” programs or other innovative ways to provide housing and supportive services for this population. There also needs to be a strong focus on reunification with families as appropriate.
  4. **The barriers to access safe shelter for unaccompanied homeless minors:** There needs to be clear policies for shelter and housing providers that allow for the ability to house an UHM. Without the legal authority to sign any documentation or to receive certain public benefits, it makes it difficult to not only provide shelter services, but also if we are to assist them in obtaining permanent housing due to their inability to sign any documents.
- Also, please see below the available federal, state and local funds that our CoC receives that can be used to serve UHM. We currently do not have funders in the CoC that directly provide funding to local agencies.





Calvert - Charles - St. Mary's

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## AVAILABLE RESOURCES FOR UNACCOMPANIED HOMELESS MINORS IN SOUTHERN MARYLAND

Funding Source	Agency Provider	Allowable Uses	Restrictions/Barriers	Statute that Governs Funding Administration
U.S. Department of Health & Human Services' Projects for Assistance in Transition from Homelessness (SAMHSA)	Calvert County Health Department (Calvert); Southern Maryland Community Network (Charles); Three Oaks (St. Mary's)	<ul style="list-style-type: none"> <li>Outreach services</li> <li>Case management</li> <li>Screening and diagnostic treatment</li> </ul>	<ul style="list-style-type: none"> <li>Persons must be connected with behavioral health services</li> </ul>	H.R.34 - 21st Century Cures Act
Calvert County Family Network/Charles County Human Services Partnership/Governor's Office on Children/MD State DJS/Anne Arundel Mental Health Authority	Center for Children	<ul style="list-style-type: none"> <li>Family functional therapy services that support ages 10 – 18</li> <li>Healthy Family program supports teen parents</li> <li>Case management</li> </ul>	<ul style="list-style-type: none"> <li>Accept only public insurance</li> <li>Would need parental/guardian authorization</li> </ul>	Not confirmed
	Departments of Social Services	<ul style="list-style-type: none"> <li>Family reunification support</li> <li>Foster care services</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	Not confirmed
DHCD's Homelessness Solutions Program	LifeStyles (Charles)	<ul style="list-style-type: none"> <li>Street outreach</li> <li>Connections with transportation and housing services</li> </ul>	<ul style="list-style-type: none"> <li>Persons should be connected with coordinated entry system</li> </ul>	McKinney-Vento Homeless Assistance Act, As Amended by S. 896 Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009



# Calvert - Charles - St. Mary's

## Continuum of Care

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Funding Source	Agency Provider	Allowable Uses	Restrictions/Barriers	Statute that Governs Funding Administration
Medicaid	Pathways' Transitional Age Youth (TAY)	<ul style="list-style-type: none"> <li>Transitional housing</li> <li>Psychiatric rehabilitation</li> <li>Life skills support</li> </ul>	<ul style="list-style-type: none"> <li>Persons must be ages 17 – 21 for supportive services</li> <li>Persons must be a minimum of 17 and 9 months to receive residential housing through TAY</li> <li>Accept only Medicaid</li> <li>Person must have mental health diagnosis</li> </ul>	Not confirmed
U.S. Department of Education	Public Schools' McKinney-Vento programs	<ul style="list-style-type: none"> <li>Public education services</li> <li>Transportation services to attend school of origin</li> <li>Clothing</li> <li>Tutoring</li> <li>School supplies</li> </ul>	<ul style="list-style-type: none"> <li>Persons must be enrolled in public education system</li> </ul>	101 Stat. 482, 42 U.S.C. § 11301
Medicaid/Local Behavioral Health Authority/Private Grant funding	Southern Maryland Community Network	<ul style="list-style-type: none"> <li>Youth Thrive Plus Work job development program</li> <li>Targeted case management</li> <li>Psychiatric rehabilitation program</li> <li>Supported employment</li> <li>In-Home Intensive Prevention (IHIP)</li> </ul>	<ul style="list-style-type: none"> <li>Serve ages 16 – 24 for Youth Thrive program only in Calvert County</li> <li>Persons must have mental health diagnosis</li> <li>Persons must have public insurance</li> </ul>	Not confirmed
U.S. Department of Housing & Urban Development's Continuum of Care	Three Oaks Center	<ul style="list-style-type: none"> <li>Housing search &amp; placement</li> <li>Security deposit</li> <li>Short-term rental assistance</li> <li>Case management support</li> </ul>	<ul style="list-style-type: none"> <li>Person must be literally homeless</li> <li>Referrals come from the Department of Social</li> </ul>	24 CFR part 578





# Calvert - Charles - St. Mary's

## Continuum of Care

*Dedicated to ending homelessness.*

Notice of Funding Availability				Services as single point of entry <ul style="list-style-type: none"> <li>Must be on CoC's byname list through coordinated entry</li> <li>Housing located in Southern Maryland</li> </ul>	
Funding Source	Agency Provider	Allowable Uses	Restrictions/Barriers	Statute that Governs Funding Administration	
US Department of Labor	Tri-County Council for Southern Maryland	<ul style="list-style-type: none"> <li>Summer employment opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Transportation to access resources</li> <li>AHOY program specific to Charles County and have to be age 18+</li> <li>Family reunification challenges</li> </ul>	Article 83C, #2-122, Annotated Code of Maryland, Code of Maryland Regulations (COMAR) 16.04.01	20 CFR § 683.120
Maryland Governor's Office for Children	Tri-County Youth Services Bureau	<ul style="list-style-type: none"> <li>Mental health counseling</li> <li>Anger management</li> <li>Victim awareness</li> <li>Social Skills training</li> <li>Social Emotional</li> <li>Development services</li> <li>Ready for Life</li> <li>After-Hours for Opportunity Youth (AHOY)</li> </ul>	<ul style="list-style-type: none"> <li>Limited to females</li> <li>Housing services stop when participant turns 18</li> </ul>	34 USC Subtitle I, Chapter 111, Subchapter III: Runaway and Homeless Youth	
U.S. Department of Health & Human Services' Runaway & Homeless Youth (Basic Center Program)	YESS! Of Charles County/Sonya's House	<ul style="list-style-type: none"> <li>Emergency shelter up to 21 days</li> <li>Food, clothing</li> <li>Crisis intervention</li> <li>Aftercare support</li> </ul>	<ul style="list-style-type: none"> <li>Serves ages 12-17</li> <li>Personal or family-related concerns related to substance misuse</li> </ul>	Not confirmed	
Not confirmed	Walden-Pyramid-Cove	<ul style="list-style-type: none"> <li>Mentoring</li> <li>Life skills training</li> <li>Academic support</li> <li>Support group</li> <li>Recreational activities</li> </ul>			

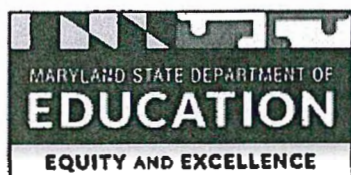


Calvert - Charles - St. Mary's

Continuum of Care

*Dedicated to ending homelessness.*

		<ul style="list-style-type: none"><li>▪ Assist in location of behavioral health treatment services</li></ul>		
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**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

August 23, 2019

The Honorable Mary L. Washington  
James Senate Office Building, Room 102  
11 Bladen Street  
Annapolis, MD 21401

The Honorable Geraldine Valentino-Smith  
House Office Building, Room 201  
6 Bladen Street  
Annapolis, MD 21401

Re: Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors

Dear Senator Washington and Delegate Valentino-Smith,

On behalf of the Maryland State Department of Education (MSDE), I am writing in response to your letter dated July 25, 2019, requesting information in preparation for the next meeting of the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors on September 3, 2019.

Out of the approximately 18,000 homeless youth enrolled in Maryland's public schools during the 2017-2018 school year, approximately 2,200 were identified as being unaccompanied homeless youth. Statistically, unaccompanied homeless youth perform below grade level in academic achievement. In addition to the academic challenges facing unaccompanied homeless youth, the following represent some of the other obstacles facing such youth in the educational context: frequent mobility/change of schools, transportation problems, emotional and physical needs/health care, and inadequate food and clothing.

Maryland's local school systems (LSSs), through the work of school social workers, teachers, counselors, and pupil personnel workers, are on the frontline in addressing homelessness among youth. Each LSS ensures coordination among its programs and the community agencies serving students experiencing homelessness including: Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies; special education (Child Find, home visiting programs); early learning services (Head Start/Early Head Start); Family Support Centers; English language learners; and at-risk youth programs. Additionally, each LSS:

- Has a designated homeless education coordinator/liaison to assist homeless students and coordinate services.
- Ensures that homeless students are included in statewide assessments.
- Conducts an annual program evaluation to determine its effectiveness.
- Has clear procedures to ensure appropriate credit is awarded to homeless students for full or partial coursework satisfactorily completed while attending a prior school.

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- Has provisions for immediate school enrollment of all age eligible homeless children and youth, including provisions for public, preschool, unaccompanied youth, and alternative school placement where available.

At the State level, the MSDE's work, including any grant-funded activities in support of unaccompanied homeless youth, is governed by the requirements of the federal McKinney-Vento Homeless Assistance Act and the Code of Maryland (COMAR) Regulation 13A.05.09. *Programs for Homeless Children*. To that end, the MSDE implements procedures to address the identification, enrollment, and retention of homeless students through coordinating and collaborating with other program offices and community agencies. The MSDE maintains a close working relationship with other State agencies such as the Maryland State Department of Human Services and the Department of Juvenile Services. For example, the MSDE has developed a Memorandum of Agreement for LSSs to implement with their local department of social services and juvenile services.

For the 2019-20 school year, through an annual federal grant awarded under the McKinney-Vento Homeless Assistance Act, the MSDE received \$1,429,281 to support homeless youth. This year, through this federal grant, the MSDE will in turn award sub-grants totaling \$1,071,961 to 15 of Maryland's 24 LSSs, with each sub-grant ranging from approximately \$31K to \$94K, to support school district-level initiatives.

Another initiative supported by the MSDE is the Maryland College Application Campaign (MCAC). In 2017, the MCAC added the unaccompanied homeless youth population to the college campaign. The MCAC helps students navigate the post-secondary admission process, the Free Application for Federal Student Aid (FAFSA) process, and other ways to pay for postsecondary education. The MCAC is a partnership with the Maryland Higher Education Commission (MHEC) and College Goal Maryland. Since 2017, the MCAC has presented to numerous groups such as the Baltimore County Continuum of Care Homeless Round Table, supervisors of counselors, college and career resources specialists, directors of student services, pupil personnel workers, student support personnel, and others who work with the unaccompanied homeless youth population in an effort to increase the utilization of the State tuition waiver program. The MCAC collaborates with the Public Justice Center of Maryland, Advocates for Children and Youth, the Interagency Council on Homelessness, and others on the MCAC steering committee to engage two-year and four-year colleges and universities across the State to identify resources and single points of contacts (SPOCs) at these institutions. Collaboration efforts also include providing technical assistance, with specialists at the MSDE working with the homeless education coordinators/liaisons at participating LSSs.

Please let me know if you need additional information regarding the above initiatives.

Sincerely,



Mary L. Gable

Assistant State Superintendent

Division of Student Services, Academic Enrichment, and Educational Policy

c: Thomas S. Elder  
Jason A. Kramer  
Anne P. Wagner

## **I - UNIQUE NEEDS OF UNACCOMPANIED HOMELESS MINORS**

The prioritized unique needs of unaccompanied homeless minors as identified by the 2018 YouthReach MD census and survey of unaccompanied youth statewide in Maryland and other sources are:

- Access to stable, safe, and secure housing options
- Access to mental health counseling and support
- Food assistance
- Access to health insurance and healthcare
- Additional educational support
- Legal rights and access to essential permanent records
- Access to job training, career development, apprenticeships and internships
- Systems navigation to assist and support youth in accessing the services above

## **II - THE PUBLIC- AND PRIVATE-SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS**

**1. Access to stable, safe, and secure housing** - currently there are only three providers statewide who provide access to housing, and their total capacity is less than 50 beds available at any one time.

**2. Access to Mental health counseling and support** - A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic.

**3. Food assistance** - Minors age 16 and older are eligible for the Maryland DHS Food Supplement program. Proof of citizenship and a Social Security number are required.

**4. Access to health insurance** - we've not been able to find documentation to support an unaccompanied homeless minor's ability to access health insurance coverage through Medicaid, but, by practice, our organization (SHIP of Frederick County) is able to vouch for the status of the minor when meeting with our local health department, which then enables the youth to secure Medicaid coverage.

**5. Access to healthcare** - According to Md. HEALTH-GENERAL Code Ann. § 20-102 (a) and (c)  
(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor: ...  
(i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and  
(ii) Is self-supporting, regardless of the source of the minor's income.  
(c) Consent for specific treatment. — A minor has the same capacity as an adult to consent to:  
(1) Treatment for or advice about drug abuse;  
(2) Treatment for or advice about alcoholism;  
(3) Treatment for or advice about venereal disease;  
(4) Treatment for or advice about pregnancy;  
(5) Treatment for or advice about contraception other than sterilization;

- (6) Physical examination and treatment of injuries from an alleged rape or sexual offense;
- (7) Physical examination to obtain evidence of an alleged rape or sexual offense; and
- (8) Initial medical screening and physical examination on and after admission of the minor into a detention center.

**6. Additional educational support** - All public school systems nationwide are required by the federal McKinney-Vento law to provide supports to students experiencing homelessness. McKinney-Vento State Plans are required to describe procedures to ensure that “homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, on-line learning, and charter school programs, if such programs are available at the State and local levels.” 42 U.S.C. §11432(g)(1)(F)(iii).

McKinney-Vento liaisons in each of the school systems are required to ensure that children and youth in homeless situations have a full and fair opportunity to succeed in school. 42 U.S.C. §11432(g)(6)(A). Enrichment programs clearly support that requirement. To the extent that individual students experiencing homelessness can benefit from such programs, they must be provided access to the programs.

### **Additional McKinney-Vento Act Provisions for Unaccompanied Homeless Youth**

Unaccompanied homeless youth are ensured the same educational rights that the McKinney-Vento Act provides for other homeless students, which include the right to:

- enroll immediately, even if they do not have paperwork normally required for enrollment or have missed application or enrollment deadlines
- attend either the local attendance area school or the school of origin, with the placement decision based on the student’s best interest, giving priority to the youth’s request
- attend either the local attendance area school or the school of origin, with the placement decision based on the student’s best interest, giving priority to the youth’s request
- remain in the school of origin (including the designated receiving school at the next grade level for all feeder schools) for the duration of the homelessness and until the end of the school year in which the student becomes permanently housed
- receive transportation to and from the school of origin
- receive educational services, such as free school meals and Title I services and participate in gifted and talented programs, vocational and technical education, alternative education, programs for English learners, and any other services comparable to what housed students receive
- not be stigmatized or segregated on the basis of their status as homeless

In addition to the provisions that apply to all homeless students, the McKinney-Vento Act includes the following provisions specifically for unaccompanied homeless youth:

- Unaccompanied homeless youth shall be immediately enrolled without proof of guardianship
- During a dispute over school selection or enrollment, unaccompanied homeless youth shall receive a written statement explaining the school's decision, the youth's right to appeal the decision, and a referral to the local liaison, and students must be enrolled in school immediately while disputes are resolved
- Local liaisons must ensure that unaccompanied homeless youth
  - are immediately enrolled in school;
  - have opportunities to meet the same state academic standards as other children and youth; and
  - are informed of their status as independent students for the purpose of applying for financial aid for higher education and provided verification of such status for the Free Application for Federal Student

## **7. Legal rights and access to vital and permanent records**

Unaccompanied minors have great difficulty acquiring vital records (state-issued identification, driver's license, birth certificate, social security card and number) necessary to "prove" identity, citizenship, age, and residency. For many unaccompanied homeless youth, these items do not exist or are not accessible.

Often youth who are not connected to family do not have any of these documents and find it difficult to reach a starting point where they can obtain one document that will assist them in getting the others.

For homeless and unstably housed youth, strict requirements on residency that do not permit alternatives can block access to vital documents based on the instability of their living situation and their lack of history of living on their own. In addition, policies that lack clear guidance that youth in state care (such as foster care or a juvenile justice facility) can use the address of a placement or the agency that has responsibility for them can also be a barrier.

To illustrate the point, for anyone to secure a federally compliant REAL ID from Maryland, the following is required:

### ***1. Proof of Age, Identity, and Lawful Presence:***

- a. Original or certified copy of a U.S. Birth Certificate filed with a State Office of Vital Statistics (OVS) or equivalent agency in the applicant's state of birth;
- b. Valid, unexpired U.S. Passport
- c. Consular Report of Birth Abroad (CRBA) issued by the Department of State (DOS),



form FS-240, DS- 1350 or FS-545;

d. Valid, unexpired Permanent Resident Card, form I-551, issued by the U.S. Department of Homeland Security (DHS);

e. Certificate of Naturalization, form N-550 or N-570 issued by the U.S. DHS;

f. Certificate of Citizenship, form N-560 or N-561 issued by the U.S. DHS

g. Unexpired employment authorization documents (EAD), form I-766

h. Unexpired foreign passport with current valid U.S. CIS documentation

*Foreign birth certificates, birth certificates issued by a hospital, and notifications of birth records are not accepted, nor are Puerto Rican birth certificates issued prior to 2010*

**2. Two Proofs of Maryland Residency** (must include full name and residence address, must be from two different issuers:

a. Maryland vehicle registration card or title

b. Utility, telephone or cable/satellite TV bill

c. Checking or savings account statement

d. Life insurance card or policy (over 3 years old)

e. Property tax bill or receipt

f. Mortgage account or proof of home ownership (deed, title, bill of sale or statement from Maryland Assessment and Taxation)

g. Residential rental contract for an apartment or other rental property with the current, formal contract or agreement between the landlord and tenant which includes all signatures

h. First class or priority mail from a federal, state or local government agency to include the contents and envelope, excluding mail from the MD Motor Vehicle Administration;

i. Copy of federal or MD income tax return filing not more than 18 months old, with proof of filing;

j. Installment contract from a bank or other financial institution;

k. Sales tax or business license;

l. Major credit card and department/retail store credit card ;

m. Residential service contract n. Canceled check with imprinted name and address;

o. Voter registration card;

p. Selective service card.

q. For inmates or former inmates, the MVA will accept:

i. An order of parole; or

ii. Order of mandatory release; or

iii. An address certification issued by the MD MVA, signed by a Department of Public Safety official, and dated within 60 days of release.

w. (On the positive side, providing the youth is working with a homeless service provider) the MVA will accept: certification from homeless service providers (on letterhead of home/provider).

x. A dependent (may be of any age: minor, college student, elderly parent): The MVA may accept a certified statement (MVA form DL202) from the parent or guardian,



signed in the presence of a MVA official.

**Birth Certificate** - a minor can obtain a copy of their birth certificate to confirm U.S. citizenship by making contact with the Secretary of State office in the state in which they were born.

**Social Security Number and Replacement Card** - minors can obtain a copy of their SS number and a replacement card by contacting the Social Security Administration, and providing a copy of their birth certificate confirming citizenship and state-issued identification confirming identity.

### **8. Access to job training, career development, apprenticeships and internships**

By providing the above documentation, minors who are legal and eligible may gain access to career- and job-related services.

### **III - THE GAPS IN PUBLIC- AND PRIVATE-SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS**

- Accessing stable, safe, and secure housing

During the **2016-17** school year, Maryland public schools identified **2,337** unaccompanied homeless youth (the vast majority of those were minors) who lacked stable housing and were not in physical custody of a parent or guardian. Schools in Prince George's County, Baltimore County, Anne Arundel County, Montgomery County, and Frederick County identified the highest number of unaccompanied homeless youth at that time.

The latest YouthReach MD census and survey from this past April 2018 identified 1,033 youth age 24 and under statewide who were unstably housed and/or homeless. We clearly have a homeless youth issue here in Maryland, and it's growing.

Unaccompanied homeless minors are often unable to access safe shelter, leaving them vulnerable to exploitation, dangerous living situations, and school drop-out. Minors are not legally competent to contract for rental housing or a hotel room. The child welfare system is unable to provide housing and services for unaccompanied homeless minors who it determines do not meet the eligibility criteria for foster care services. The only private emergency shelters specifically serving 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 very limited bed space capacity.

Lack of access to shelter is a primary risk factor for commercial sexual exploitation of children. Community-based sheltering and housing solutions will prevent human trafficking and other exploitation of unaccompanied homeless minors by leading to the creation of more safe shelter options for them.

Many Maryland non-profit organizations choose not to shelter unaccompanied homeless minors because it is unclear under Maryland law whether and how they can do so lawfully.

For the following needs outlined below, while there are provisions in place in making these services available for minors down to a certain age minimum (normally age 16), lack of awareness, knowledge, and transportation to these services are a major impediment to connecting to these services.

- Access to mental health counseling and support
- Food assistance
- Access to health insurance and healthcare
- Additional educational support
- Legal rights and access to essential permanent records
- Access to job training, career development, apprenticeships and internships

Because of these barriers, case management and systems navigation to assist and support youth in accessing the services above is critical.

As for securing additional educational support, youth need to understand their rights afforded to them by the McKinney-Vento Act and have an advocate in place in each school that ensures that the rights and entitlements provided to them due to their status are protected and complied with.

#### **IV. THE BARRIERS TO ACCESS SAFE SHELTER FOR UNACCOMPANIED HOMELESS MINORS**

Shelters and community-based housing options for unaccompanied homeless minors provide an immediately accessible, youth-friendly space, and can engage youth who may be in an unsafe situation and facilitate their connection to the child welfare system when appropriate. A number of states in the country have begun to recognize the need over the past decade, and have adjusted their legal infrastructure to best accommodate for the need and numbers with increased ability and capacity for sheltering.

Maryland law currently does not prohibit minors from consenting to emergency shelter, and several federally-funded emergency shelters for unaccompanied homeless 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 non-profit organizations (including SHIP of Frederick County) that wish to support unaccompanied homeless minors choose not to provide shelter because it is unclear whether and how they can do so lawfully.

Maryland needs provisions to:

- establish that an unaccompanied minor in need of shelter has the same capacity as an adult to consent to shelter and supportive services, thereby incentivizing non-profit organizations to shelter this extremely vulnerable and underserved population;
- require shelter providers to obtain written consent from unaccompanied homeless minors before providing services;
- require shelter providers to notify parents or guardians within 72 hours of admitting an unaccompanied homeless minor, consistent with longstanding federal Runaway and Homeless Youth Act regulations governing emergency shelter programs for minors experiencing homelessness;
- require shelter providers to notify child welfare agencies of any suspected abuse or neglect; and
- establish that shelter providers are not liable for civil damages or subject to any criminal or disciplinary penalties solely due to serving an individual who is a minor.

By doing so, existing barriers will be minimized, if not eliminated, for unaccompanied homeless minors seeking access to safe sheltering.