

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 911  
Judiciary

(Delegate Krimm, *et al.*)

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Unaccompanied Minors in Need of Shelter - Consent to Shelter and Supportive Services

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This bill establishes that an unaccompanied minor in need of shelter has the same capacity as an adult to consent to shelter and supportive services. An unaccompanied minor in need of shelter is 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. The bill establishes related requirements for service providers and immunity provisions.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** Local expenditures may increase to provide additional services to unaccompanied minors in need of shelter.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A “service provider” is a public or private nonprofit organization that provides shelter and supportive services to an unaccompanied minor in need of shelter and includes a host home program. “Supportive services” means intervention services or resources, including reunification, counseling, substance abuse treatment, and employment assistance.

A service provider must obtain written consent from an unaccompanied minor in need of shelter before providing shelter and supportive services. The written consent must state the age, guardianship status, and living situation of the unaccompanied minor. A service provider may not provide shelter to a minor if the service provider has knowledge that the minor provided false information in the written consent or does not meet the definition of an unaccompanied minor.

A service provider must contact a parent, guardian, or an adult relative of the unaccompanied minor as soon as possible and within 72 hours after providing shelter. However, a service provider must instead contact another adult identified by the unaccompanied minor as soon as possible if (1) the service provider determines that it is not in the best interest of the unaccompanied minor to contact a parent, guardian, or adult relative; (2) the service provider is unable to contact one of these individuals; or (3) the unaccompanied minor refuses to provide the name or contact information of one of these individuals. A service provider that contacts another adult instead of a parent, guardian, or adult relative must document the reason why. A service provider must notify the appropriate authorities of any suspected abuse or neglect in accordance with statutory provisions.

An unaccompanied minor in need of shelter who is a parent may consent to shelter and supportive services for the minor's children.

A service provider that provides shelter and supportive services to an unaccompanied minor is not liable for civil damages or subject to criminal or disciplinary penalties solely because the unaccompanied minor did not have capacity to consent to the provision of shelter and services.

**Current Law/Background:** A person who is age 18 or older is an adult for all purposes and has the legal capacity, rights, privileges, powers, and duties of adults. Article 1, § 24 of the Annotated Code of Maryland establishes that the age of majority is age 18. Except as otherwise specified, the term “minor,” as it pertains to legal age and capacity means an individual younger than age 18. Pursuant to the Health-General Article, a minor has the same capacity as an adult to consent to medical or dental treatment under specified circumstances.

The Office of Community Programs within the Department of Housing and Community Development (DHCD) oversees efforts to reduce homelessness in the State. DHCD does not provide direct housing placement or emergency support services specifically to homeless individuals; instead, it coordinates with and awards grant funding to local administering agencies and service providers to support various programs.

In the most recent Youth Count, a project that attempts to identify unaccompanied homeless youth (ages 24 and younger) in the State, 14% of the youth represented were younger than age 18. According to SchoolHouse Connection, at least four states have laws that authorize unaccompanied homeless minors to consent to shelter services.

### *Reporting Suspected Child Abuse and Neglect*

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect.

As far as reasonably possible, a worker who makes a report must include the name, age, and home address of the child; the name and home address of the child’s parent or other person responsible for the child’s care; the whereabouts of the child; and the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, any information that would help to determine the cause of the suspected abuse or neglect, and the identity of any person responsible for the abuse or neglect.

**State Fiscal Effect:** State expenditures may increase to the extent that the bill facilitates the provision of additional State-funded supportive services to unaccompanied homeless minors. For example, the Maryland Department of Health notes that if an increased number of minors apply and qualify for Medicaid benefits, State and federal fund expenditures increase. For purposes of this analysis, it is assumed that any such impact does not materially affect State finances. Any potential additional reports of suspected child abuse and neglect can be investigated and acted upon using existed budgeted resources.

**Local Expenditures:** Local expenditures may increase in jurisdictions that fund homeless support services. The magnitude of any impact depends on the number of unaccompanied minors who may seek services under the bill who would not otherwise do so, and the type of services provided. For example, Montgomery County provides significant local funding

for homeless services and advises that its average cost to shelter an individual for one day is \$120. Garrett County advises there is no fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 930 (Senator Washington) - Judicial Proceedings.

**Information Source(s):** Garrett, and Montgomery counties; City of Laurel; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Department of Labor, Licensing, and Regulation; Department of Natural Resources; Maryland Department of Transportation; SchoolHouse Connection; University System of Maryland; Department of Legislative Services

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