

SENATE No. 94

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act allowing certain minors to consent to shelter and receive supportive services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/9/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/16/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/3/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/10/2023</i>

SENATE No. 94

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 94) of Adam Gomez, Lydia Edwards, Liz Miranda, James B. Eldridge and others for legislation to allow certain minors to consent to shelter and receive supportive services. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act allowing certain minors to consent to shelter and receive supportive services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 16A of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by adding after Section 16X the following new section:-

3 Section 16XX: Unaccompanied homeless youth access to supportive services and shelter

4 (a)The following words shall have the meanings in this section:

5 (1) “Service Provider”, means a public or private nonprofit organization that provides
6 shelter and supportive services to unaccompanied minors in need of supportive services or
7 shelter, including host home programs and shared living programs.

8 (2) “Supportive Services”, means interventions, services, or resources necessary to assist
9 unaccompanied minors in need of shelter in acquiring or maintaining: (i) stable housing; (ii)
10 permanent connections, including ongoing attachments to families, communities, schools, and
11 other positive social networks; (iii) financial stability; (iv) education, employment or income,

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 (v) social and emotional wellbeing, 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.

(3) “Unaccompanied Minor In Need of Supportive Services or Shelter”, means a minor at least fifteen years of age: (i) who is not in the physical custody of a parent or legal guardian; and (ii) who lacks a fixed, regular, and adequate nighttime residence as defined in M.G.L. Chapter 6A Section 16W or (iii) whose status or circumstances indicate a significant danger of experiencing homelessness in the near future.

(4) “Statuses or circumstances that indicate a significant danger” may include, but are not limited to: (i) youth exiting state-systems of care; (ii) youth who previously experienced homelessness (iii) youth whose parents or primary caregivers have experienced housing instability or homelessness; (iv) youth who are exposed to abuse and neglect in their homes; (v) youth who experience significant conflict with parents/ guardians; and (vi) runaways.

(b)(1) An unaccompanied minor in need of supportive services or shelter may consent to shelter and supportive services if the service provider reasonably believes that: (i) the unaccompanied minor understands the significant benefits, responsibilities, risks, and limits of the shelter and service and can communicate an informed consent; (ii) the unaccompanied minor understands the requirements and rules of the shelter and services; and (iii) the shelter and services are necessary to ensure the unaccompanied minor’s safety and wellbeing.

(2) An unaccompanied minor in need of supportive services or shelter who is a parent may consent to supportive services and shelter for the minor's child.

(c)(1) Before providing supportive services or shelter to an unaccompanied minor in need of supportive services or shelter, a service provider shall: (i) register with the Executive Office of Health and Human Services; (ii) develop and implement a procedure to screen each staff member who works with minors, including through a state and national criminal history records check or a private agency background check conducted in accordance with Section 172(a)(3) of M.G.L. c 6; and (iii) obtain written consent from the unaccompanied minor in need of supportive services or shelter.

(3) The written consent from the unaccompanied minor in need of services or shelter shall state the minor's: (i) age; (ii) guardianship status, if known; and (iii) living situation.

(4) A service provider may not provide supportive services or shelter to a minor if the service provider has knowledge that the minor: (i) knowingly provided false information in the written consent required under subsection (c)(1); or (ii) does not meet the definition of an unaccompanied minor in need of supportive services or shelter under subsection (b).

(d)(1) After providing supportive services or shelter to an unaccompanied minor in need of supportive services or shelter, a service provider shall: (i) as soon as possible and within 72 hours, contact a parent, guardian, or an adult relative of the minor; or (ii) if the service provider suspects abuse or neglect by the parent, guardian, or adult relative of the minor, immediately notify the appropriate authorities of the suspected abuse or neglect pursuant to Section 51A of Chapter 119.

(2) The youth's parent or legal guardian must have consented to the youth living independently, but consent can be implied by the simple act of forcing the youth out of the home, refusing to provide financial support to the youth, or abuse or neglect. Consent also can be demonstrated by a letter from a homeless service provider or school district homeless liaison.

(3)(i) If a service provider is unable to contact, and does not suspect abuse by, a parent, guardian, or an adult relative of an unaccompanied minor in need of supportive services or shelter, the service provider shall notify the minor of the requirements of subsection (d) and, after providing said notice shall contact the National Center For Missing And Exploited Children to determine if the minor has been reported missing by a parent or legal guardian. (ii) If a service provider receives information indicating that an unaccompanied minor in need of services or shelter is missing from foster care, the service provider shall contact the Department of Children and Families. (iii) If a service provider receives information indicating that an unaccompanied minor in need of services or shelter has been reported missing by a parent or legal guardian other than the Department of Children and Families, the service provider shall contact local law enforcement.

(4) A service provider shall document efforts and communications made under paragraph (d)(3) of this subsection.

(e) A service provider that provides supportive services or shelter to an unaccompanied minor in need of services or shelter in accordance with this Section is not civilly or criminally liable based solely on the provider's reasonable determination to provide the shelter and supportive services.

75 (f) The Executive Office of Health and Human Services shall establish and maintain a
76 registry of all service providers that register under section (c) of this section to provide
77 supportive services and shelter to unaccompanied minors in need of supportive shelter or
78 services.

79 (g) The Executive Office of Health and Human Services may promulgate regulations for
80 the purposes of implementing this Act.