

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.]

(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.

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.]

5-1505.

(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 RELATED SERVICES.

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

(1) GROSS NEGLIGENCE; OR

(2) WILLFUL OR WANTON ACTS OR OMISSION.