

HOUSE No. 192

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 supportive services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/19/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/31/2023</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/2/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/16/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>3/2/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/4/2023</i>

HOUSE No. 192

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 192) of Kay Khan and others for legislation to allow unaccompanied homeless youth between the ages of 15 and 18 to consent to supportive services and shelter. 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 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 Whereas, in Massachusetts Black youth and young adults are more than 4x as likely to
2 experience homelessness as compared to the overall population of youth and young adults;

3 Whereas, in Massachusetts Latinx youth and young adults are more than 2.5x as
4 likely to experience homelessness;

5 Whereas, in Massachusetts 24% of all youth and young adults experiencing homelessness
6 identify as LGBTQ+;

7 Whereas, Massachusetts’ population of unaccompanied youth experiencing homelessness
8 remains at unacceptable levels with 3,387 unaccompanied youth under the age of eighteen
9 experiencing homelessness;

10 Whereas, the average age that unaccompanied youth reported leaving home permanently
11 as minors in 2021 was 15.9 years old;

12 Whereas, Massachusetts age of consent for supportive services or shelter is eighteen
13 years of age;

14 Whereas, the Commonwealth established the Massachusetts Special Commission on
15 Unaccompanied Homeless Youth in 2014 to make recommendations to ultimately provide
16 comprehensive and effective responses to the unique needs of this population;

17 Therefore, Chapter 6A of the General Laws is hereby amended to allow unaccompanied
18 homeless youth between the ages of 15 and 18 to consent to supportive services and shelter.

19 SECTION 1.

20 Chapter 6A as appearing in the Official Edition of the General Laws passed through June
21 30, 2014 shall be amended by inserting Section 16X1/2 after Section 16X.

22 SECTION 2.

23 (A) Definitions: In This Section the following words shall have the meanings indicated.

24 (B) (1) “Service Provider” means a public or private nonprofit organization that provides
25 shelter and supportive services to unaccompanied minors in need of shelter. (2) “Service
26 Provider” includes a host home program and shared living programs.

27 (C) “Supportive Services” means interventions, services, or resources necessary to assist
28 unaccompanied minors in need of shelter in acquiring or maintaining: (1) stable housing; (2)
29 permanent connections, including ongoing attachments to families, communities, schools, and
30 other positive social networks; (3) financial stability; (4) education, employment or income,
31 including high performance in completion of education and training activities, especially for
32 younger youth, and starting and maintaining adequate and stable employment, particularly for

33 older youth; or (4) social and emotional wellbeing, including the development of key
34 competencies, attitudes, and behaviors that equip a young person to succeed across multiple
35 domains of daily life, including school, work, relationships, and community.

36 (D) “Unaccompanied Minor In Need of Supportive Services or Shelter” means a minor at
37 least fifteen years of age: (1) who is not in the physical custody of a parent or legal guardian;
38 and (2) who lacks a fixed, regular, and adequate nighttime residence as defined in M.G.L.
39 Chapter 6A Section 16W or (3) whose status or circumstances indicate a significant danger of
40 experiencing homelessness in the near future.

41 Statuses or circumstances that indicate a significant danger may include (but are not
42 limited to): (1) youth exiting state-systems of care; (2) youth who previously experienced
43 homelessness (3) youth whose parents or primary caregivers have experienced housing
44 instability or homelessness; (4) youth who are exposed to abuse and neglect in their homes; (5)
45 youth who experience significant conflict with parents/ guardians; and (6) runaways.

46 SECTION 3.

47 (A) An unaccompanied minor in need of supportive services or shelter may consent to
48 shelter and supportive services if the service provider reasonably believes that: (1) the
49 unaccompanied minor understands the significant benefits, responsibilities, risks, and limits of
50 the shelter and service and can communicate an informed consent; (2) the unaccompanied minor
51 understands the requirements and rules of the shelter and services; and (3) the shelter and
52 services are necessary to ensure the unaccompanied minor’s safety and wellbeing.

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

55 SECTION 4.

56 (A) Before providing supportive services or shelter to an unaccompanied minor in need
57 of supportive services or shelter, a service provider shall: (1) register with the Office of Children,
58 Youth, and Families; (2) develop and implement a procedure to screen each staff member who
59 works with minors, including through a state and national criminal history records check or a
60 private agency background check conducted in accordance with Section 172(a)(3) of M.G.L. c 6;
61 and (3) obtain written consent from the unaccompanied minor in need of supportive services or
62 shelter.

63 (B)The written consent from the unaccompanied minor in need of services or shelter shall
64 state the minor's: (1) age; (2) guardianship status, if known; and (3) living situation.

65 (C) A service provider may not provide supportive services or shelter to a minor if the
66 service provider has knowledge that the minor: (1) knowingly provided false information in the
67 written consent required under subsection (A) of this section; or (2) does not meet the definition
68 of an unaccompanied minor in need of supportive services or shelter under Section 2.

69 SECTION 5.

70 (A) After providing supportive services or shelter to an unaccompanied minor in need of
71 supportive services or shelter, a service provider shall: (1) as soon as possible and within 72
72 hours, contact a parent, guardian, or an adult relative of the minor; or (2) if the service provider
73 suspects abuse or neglect by the parent, guardian, or adult relative of the minor, immediately
74 notify the appropriate authorities of the suspected abuse or neglect in accordance with MGL
75 c.119 sec 51A.

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

80 (C) (1) If a service provider is unable to contact, and does not suspect abuse by, a parent,
81 guardian, or an adult relative of an unaccompanied minor in need of supportive services or
82 shelter, the service provider shall: (i) notify the minor of the requirements of this section; and (ii)
83 after providing the notice required under item (i) of this paragraph, contact the National Center
84 For Missing And Exploited Children to determine if the minor has been reported missing by a
85 parent or legal guardian. (2) If a service provider receives information indicating that an
86 unaccompanied minor in need of services or shelter is missing from foster care, the service
87 provider shall contact the Department of Children and Families. (3) If a service provider receives
88 information indicating that an unaccompanied minor in need of services or shelter has been
89 reported missing by a parent or legal guardian other than the Department of Children and
90 Families, the service provider shall contact local law enforcement.

91 (D) A service provider shall document efforts and communications made under
92 subsection (C) of this Section.

93 SECTION 6.

94 A service provider that provides supportive services or shelter to an unaccompanied
95 minor in need of services or shelter in accordance with this Section is not civilly or criminally
96 liable based solely on the provider’s reasonable determination to provide the shelter and
97 supportive services.

98 SECTION 7.

99 The Office of Children, Youth, and Families shall establish and maintain a registry of all
100 service providers that register under Section four of this section to provide supportive services
101 and shelter to unaccompanied minors in need of supportive shelter or services.

102 SECTION 8.

103 (A) The Office of Children, Youth, and Families shall adopt regulations to carry out this
104 Section.