

# HOUSE . . . . . No. 4394

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 15, 2024.

The committee on Children, Families and Persons with Disabilities, to whom were referred the 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 and the 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, reports recommending that the accompanying bill (House, No. 4394) ought to pass.

For the committee,

JAY D. LIVINGSTONE.

**HOUSE . . . . . No. 4394**

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**The Commonwealth of Massachusetts**

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

An Act allowing certain minors to consent to 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           SECTION 1.

2           Chapter 6A as appearing in the Official Edition of the General Laws passed through June  
3 30, 2014 shall be amended by inserting Section 16X1/2 after Section 16X.

4           SECTION 2.

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

6           (B) “Service Provider” means a public or private nonprofit organization that provides  
7 supportive services to unaccompanied minors in need of shelter.

8           (C) “Supportive Services” means interventions, services, or resources necessary to assist  
9 unaccompanied minors in need of shelter in acquiring or maintaining: (1) stable housing; (2)  
10 permanent connections, including ongoing attachments to families, communities, schools, and  
11 other positive social networks; (3) financial stability; (4) education, employment or income,  
12 including high performance in completion of education and training activities, especially for

13 younger youth, and starting and maintaining adequate and stable employment, particularly for  
14 older youth; or (5) social and emotional wellbeing, including the development of key  
15 competencies, attitudes, and behaviors that equip a young person to succeed across multiple  
16 domains of daily life, including school, work, relationships, and community.

17 (D) "Mature Child" means a child who is able to understand the circumstances and  
18 implications of the situation in which they are involved and is able to participate in the decision-  
19 making process without excessive anxiety or fear. A child who is 15 years of age or older is  
20 presumed to be a mature child.

21 SECTION 3.

22 (A) A mature child in need of supportive services may consent to such services if the  
23 service provider reasonably believes that: (1) the mature child understands the significant  
24 benefits, responsibilities, risks, and limits of the services and can communicate an informed  
25 consent; (2) the mature child understands the requirements and rules of receiving the services;  
26 and (3) the services are necessary to ensure the mature child's safety and wellbeing.

27 (B) A mature child in need of supportive services who is a parent may consent to  
28 supportive services for their child.

29 SECTION 4.

30 (A) Any provider receiving funding from the Executive Office of Health and Human  
31 Services Homeless Youth Services Division may provide services to a mature child after they  
32 obtain informed and written consent from the mature child.

33 (B) The informed written consent from the mature child shall state their: (1) age; (2)  
34 guardianship status, if known; and (3) living situation.

35 (C) A service provider may not provide supportive services to a mature child if the  
36 service provider has knowledge that the minor: (1) knowingly provided false information in the  
37 written consent required under subsection (B) of this section; or (2) does not meet the definition  
38 of mature child in need of supportive services under Section 2 and 3.

39 SECTION 5.

40 Any provider who renders supportive services to a mature child in compliance with this  
41 section shall be immune from any civil or criminal liability, unless such liability arises from the  
42 provider's gross negligence or willful or wanton acts or omissions.

43 SECTION 6.

44 The Office of Children, Youth, and Families shall adopt regulations to carry out this  
45 Section.

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