

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MINORS TO CONSENT TO NO COST EMERGENCY
6 SHELTER AND RELATED SERVICES; AMENDING SECTIONS 41-1-101 AND 41-1-102, MCA; PROVIDING
7 AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

11 **NEW SECTION. Section 1. Consent by minor for no cost emergency shelter and services.** (1) A
12 minor may consent to receive no cost emergency shelter and related services if the minor understands the
13 benefits, responsibilities, risks, and limits of the shelter and services and agrees to adhere to the provider's
14 rules and cooperate and participate in those services recommended by the provider.

15 (2) Subject to the provisions of subsection (3), a provider may provide no cost emergency shelter and
16 related services to a consenting minor if the provider:

17 (a) conducts an assessment and determines the minor does not pose a danger to the minor's self or
18 other persons at the same location. If the provider determines that admitting the minor poses a danger, the
19 provider shall report the matter to an appropriate agency.

20 (b) reasonably believes that:

21 (i) the minor understands the significant benefits, responsibilities, risks, and limits of the shelter and
22 services and can communicate an informed consent;

23 (ii) the minor understands the requirements and rules of the shelter and services; and

24 (iii) the shelter and services are necessary to ensure the minor's safety and well-being;

25 (c) obtains written consent from the minor stating the minor's age, guardianship status, if known, and
26 living situation. A provider may not provide shelter if the provider has knowledge the minor knowingly provided
27 false information in the written consent.

28 (3) A provider shall make reasonable efforts to contact the minor's parent, legal guardian, or legal

1 custodian and document those efforts in writing. If the parent, legal guardian, or legal custodian cannot be
2 reached, refuses to give consent, or the minor refuses to provide contact information for the parent, legal
3 guardian, or legal custodian, the provider may still provide shelter and services if, based on the information
4 available to the provider, the provider reasonably believes the minor would incur harm or be subject to
5 threatened harm, if the minor returned immediately to the home of the parent, legal guardian, or legal
6 custodian.

7 (4) If a provider receives information indicating a consenting minor:

8 (a) is missing from foster care, the provider shall contact the local department of social service.

9 (b) was reporting missing by a legal guardian other than the local department of social services, the
10 provider shall contact law enforcement.

11 (5) Before providing no cost emergency shelter and related services to a consenting minor, a provider
12 shall develop and implement a procedure to screen each staff member who works with minors, including
13 through a state and national criminal history records check or a private agency background check.

14 (6) Any consent given by a minor under this section shall, for the duration of the period of shelter and
15 with respect to all services, be valid and binding as if the minor had reached the age of majority.

16 (7) Except for gross negligence or willful or wanton acts or omissions, a provider who renders
17 emergency shelter and related services to a minor pursuant to this section shall be immune from civil or
18 criminal liability based on the provider's determination to provide the shelter and related services.

19 (8) The provider shall report any suspected child abuse or neglect to the department or the police
20 department in accordance with xxx.

21 (9) For the purposes of this section, the following definitions apply:

22 (a) "Minor" has the same meaning provided in 41-1-101.

23 (b) "No cost emergency shelter and related services" means accommodation at no cost, including beds,
24 meals, individual showering facilities, transportation to and from the place of shelter, and any of the following
25 services as deemed appropriate by the provider:

26 (i) assistance with reunification with the family, legal guardian, or legal custodian of the minor;

27 (ii) referral to safe housing;

28 (iii) individual, family, and group counseling;

- 1 (iv) assistance in obtaining clothing;
- 2 (v) access to medical and dental care and mental health counseling;
- 3 (vi) education and employment services;
- 4 (vii) recreational activities;
- 5 (viii) case management, advocacy, and referral services;
- 6 (ix) independent living skills training; and
- 7 (x) aftercare services, as those services are defined in Title 45 Code of Federal Regulations section
- 8 1351.1.

9 (c) "Provider" means a governmental or nonprofit entity or host home program that provides no cost
10 emergency shelter and related services to minors in need of shelter.

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12 **Section 2.** Section 41-1-101, MCA, is amended to read:

13 **"41-1-101. Minors and adults defined.** (1) Minors are:

14 ~~(a) males under 18 years of age;~~

15 ~~(b) females~~ persons under 18 years of age.

16 (2) All other persons are adults."

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19 **Section 3.** Section 41-1-102, MCA, is amended to read:

20 **"41-1-102. Periods Period of minority -- how calculated.** The ~~periods-period~~ specified in 41-1-101
21 must be calculated from the first minute of the day on which ~~persons are a person is~~ born to the same minute of
22 the corresponding day completing the period of minority."

23
24 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
25 integral part of Title 41, chapter 1, and the provisions of Title 41, chapter 1, apply to [section 1].

26
27 NEW SECTION. Section 5. {standard} Effective date. [This act] is effective on passage and
28 approval.

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Drafter: Hope Stockwell, 406-444-9280

67th Legislature

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