

STATES ALLOWING MINORS' CONSENT TO SHELTER

	<u>California</u>	<u>Hawaii</u>	<u>Indiana</u>	<u>Maryland</u>	<u>Texas</u>	<u>Utah</u>
Minimum age	12	None	None	None	16	15
Must manage own finances					Yes, unless unmarried and pregnant or parenting.	Yes
Maximum time limit		30 days unless consent extended for emergency purposes			15 days unless minor consents to continued services or qualifies for financial assistance and is on the wait list for housing assistance	
Other conditions	It is the opinion of the chief administrator of the shelter service that the minor is mature enough to participate intelligently in the shelter services and the minor would present a danger of serious physical or mental harm to self or others without the shelter services or is the alleged victim of incest or abuse.	The shelter may provide services if the provider reasonably believes the minor understands the benefits, responsibilities, risks, and limits of the shelter and related services and can communicate an informed consent, the minor understands the rules/requirements, and the shelter and services are necessary to ensure the minor's safety and well-being. Providers must assess whether the minor poses a danger to self or others.		The shelter may provide services if the provider reasonably believes the minor understands the benefits, responsibilities, risks, and limits of the shelter and related services and can communicate an informed consent, the minor understands the rules/requirements, and the shelter and services are necessary to ensure the minor's safety and well-being. The minor must provide written consent stating the minor's age, guardianship status, if known, and living situation. Shelter cannot provide services if the provider has knowledge the minor provided false information.	Also allows for consent to transitional living programs, which provide basic life skills training in a licensed residential child-care facility (no time limit).	A provider may rely on the minor's verbal or written statement describing their ability consent to temporary shelter, care, or licensed services.
Consent from parents	Provider must make best efforts to notify the parent or guardian.	Provider must make reasonable efforts to contact the parent, legal guardian, or legal custodian. If that person refuses to give consent, cannot be contacted, or the minor refuses to provide contact information, shelter may still be provided if the provider reasonably believes the minor would incur harm or would be subject to threatened harm, if the minor returned home.	Provider must notify the Department of Child Services within 24 hours. The department must conduct an investigation within the following 48 hours and notify the child's parent, guardian, or custodian within 72 hours. If the child is suspected to be a victim of abuse or neglect, the department may not disclose their location.	Contact required as soon as possible and within 72 hours or, if the provider suspects abuse or neglect by the parent, guardian, or adult relative of the minor, the provider must immediately notify the appropriate authorities. If a parent, guardian, or relative cannot be contacted and abuse or neglect is not suspected, the provider must contact the National Center for Missing and Exploited Children to determine if the minor has been reported missing.	Shelter may be provided with or without the consent of a parent, managing conservator, or guardian. A provider may rely on the minor's written statement regarding the grounds on which the minor has capacity to consent. However, a transitional living program must attempt to notify the minor's parent, managing conservator, or guardian regarding the minor's location.	The provider is not guilty of harboring a youth if the youth consents to shelter and the provider is unable to locate the child's parent or legal guardian or the child refuses to disclose the contact information for the parent or guardian.
Attempts to contact parents must be documented		Yes		Yes		

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Specified providers	Residential shelter services that provide residential and other support to minors on a temporary or emergency basis in a facility that serves only minors by a governmental agency, a contractor with a governmental agency, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.	Any child placing organization or child caring institution authorized by the state to receive or place minor children for care and maintenance and to provide related services, health care, or supplies.	An emergency shelter, a shelter care facility, or a program that provides services or items directly related to providing shelter to homeless or low income individuals.	Public and private nonprofits, as well as "host home" programs, that register with the Dept of Housing and Community Development to provide shelter for consenting minors	Transitional living programs are licensed by the Department of Family and Protective Services.	Licensed temporary homeless youth shelters (resident support program), youth services centers (contracted through Division of Juvenile Justice Services), or other facilities licensed to provide the service to homeless youth. Providers may refer youth to safe permanent housing, employment services, medical or dental care, or counseling.
Liability provisions	The minor's parents or guardian are not liable for payment for shelter services unless they consented to the provision of the services.	Providers who render shelter and related services are immune from civil or criminal liability except for gross negligence or willful or wanton acts or omissions		A provider is not civilly or criminally liable based solely on the providers' reasonable determination to provide shelter and supportive services.	A provider is liable only for its own acts of negligence.	

State Tribal Relations Interim Committee
 Zoom Remote Meeting
 May 7, 2020
 Runaway States Allowing Minor's Consent to Shelter
 Exhibit 4

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