

I - UNIQUE NEEDS OF UNACCOMPANIED HOMELESS MINORS

The prioritized unique needs of unaccompanied homeless minors as identified by the 2018 YouthReach MD census and survey of unaccompanied youth statewide in Maryland and other sources are:

- Access to stable, safe, and secure housing options
- Access to mental health counseling and support
- Food assistance
- Access to health insurance and healthcare
- Additional educational support
- Legal rights and access to essential permanent records
- Access to job training, career development, apprenticeships and internships
- Systems navigation to assist and support youth in accessing the services above

II - THE PUBLIC- AND PRIVATE-SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS

1. Access to stable, safe, and secure housing - currently there are only three providers statewide who provide access to housing, and their total capacity is less than 50 beds available at any one time.

2. Access to Mental health counseling and support - A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic.

3. Food assistance - Minors age 16 and older are eligible for the Maryland DHS Food Supplement program. Proof of citizenship and a Social Security number are required.

4. Access to health insurance - we've not been able to find documentation to support an unaccompanied homeless minor's ability to access health insurance coverage through Medicaid, but, by practice, our organization (SHIP of Frederick County) is able to vouch for the status of the minor when meeting with our local health department, which then enables the youth to secure Medicaid coverage.

5. Access to healthcare - According to Md. HEALTH-GENERAL Code Ann. § 20-102 (a) and (c)

(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor: ...

(i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and

(ii) Is self-supporting, regardless of the source of the minor's income.

(c) Consent for specific treatment. — A minor has the same capacity as an adult to consent to:

(1) Treatment for or advice about drug abuse;

(2) Treatment for or advice about alcoholism;

(3) Treatment for or advice about venereal disease;

(4) Treatment for or advice about pregnancy;

(5) Treatment for or advice about contraception other than sterilization;

- (6) Physical examination and treatment of injuries from an alleged rape or sexual offense;
- (7) Physical examination to obtain evidence of an alleged rape or sexual offense; and
- (8) Initial medical screening and physical examination on and after admission of the minor into a detention center.

6. Additional educational support - All public school systems nationwide are required by the federal McKinney-Vento law to provide supports to students experiencing homelessness. McKinney-Vento State Plans are required to describe procedures to ensure that “homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, on-line learning, and charter school programs, if such programs are available at the State and local levels.” 42 U.S.C.§11432(g)(1)(F)(iii).

McKinney-Vento liaisons in each of the school systems are required to ensure that children and youth in homeless situations have a full and fair opportunity to succeed in school. 42 U.S.C. §11432(g)(6)(A). Enrichment programs clearly support that requirement. To the extent that individual students experiencing homelessness can benefit from such programs, they must be provided access to the programs.

Additional McKinney-Vento Act Provisions for Unaccompanied Homeless Youth

Unaccompanied homeless youth are ensured the same educational rights that the McKinney-Vento Act provides for other homeless students, which include the right to:

- enroll immediately, even if they do not have paperwork normally required for enrollment or have missed application or enrollment deadlines
- attend either the local attendance area school or the school of origin, with the placement decision based on the student’s best interest, giving priority to the youth’s request
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- remain in the school of origin (including the designated receiving school at the next grade level for all feeder schools) for the duration of the homelessness and until the end of the school year in which the student becomes permanently housed
- receive transportation to and from the school of origin
- receive educational services, such as free school meals and Title I services and participate in gifted and talented programs, vocational and technical education, alternative education, programs for English learners, and any other services comparable to what housed students receive
- not be stigmatized or segregated on the basis of their status as homeless

In addition to the provisions that apply to all homeless students, the McKinney-Vento Act includes the following provisions specifically for unaccompanied homeless youth:

- Unaccompanied homeless youth shall be immediately enrolled without proof of guardianship
- During a dispute over school selection or enrollment, unaccompanied homeless youth shall receive a written statement explaining the school's decision, the youth's right to appeal the decision, and a referral to the local liaison, and students must be enrolled in school immediately while disputes are resolved
- Local liaisons must ensure that unaccompanied homeless youth
 - are immediately enrolled in school;
 - have opportunities to meet the same state academic standards as other children and youth; and
 - are informed of their status as independent students for the purpose of applying for financial aid for higher education and provided verification of such status for the Free Application for Federal Student

7. Legal rights and access to vital and permanent records

Unaccompanied minors have great difficulty acquiring vital records (state-issued identification, driver's license, birth certificate, social security card and number) necessary to "prove" identity, citizenship, age, and residency. For many unaccompanied homeless youth, these items do not exist or are not accessible.

Often youth who are not connected to family do not have any of these documents and find it difficult to reach a starting point where they can obtain one document that will assist them in getting the others.

For homeless and unstably housed youth, strict requirements on residency that do not permit alternatives can block access to vital documents based on the instability of their living situation and their lack of history of living on their own. In addition, policies that lack clear guidance that youth in state care (such as foster care or a juvenile justice facility) can use the address of a placement or the agency that has responsibility for them can also be a barrier.

To illustrate the point, for anyone to secure a federally compliant REAL ID from Maryland, the following is required:

1. Proof of Age, Identity, and Lawful Presence:

- a. Original or certified copy of a U.S. Birth Certificate filed with a State Office of Vital Statistics (OVS) or equivalent agency in the applicant's state of birth;
- b. Valid, unexpired U.S. Passport
- c. Consular Report of Birth Abroad (CRBA) issued by the Department of State (DOS),

form FS-240, DS- 1350 or FS-545;

d. Valid, unexpired Permanent Resident Card, form I-551, issued by the U.S. Department of Homeland Security (DHS);

e. Certificate of Naturalization, form N-550 or N-570 issued by the U.S. DHS;

f. Certificate of Citizenship, form N-560 or N-561 issued by the U.S. DHS

g. Unexpired employment authorization documents (EAD), form I-766

h. Unexpired foreign passport with current valid U.S. CIS documentation

Foreign birth certificates, birth certificates issued by a hospital, and notifications of birth records are not accepted, nor are Puerto Rican birth certificates issued prior to 2010

2. Two Proofs of Maryland Residency (must include full name and residence address, must be from two different issuers:

a. Maryland vehicle registration card or title

b. Utility, telephone or cable/satellite TV bill

c. Checking or savings account statement

d. Life insurance card or policy (over 3 years old)

e. Property tax bill or receipt

f. Mortgage account or proof of home ownership (deed, title, bill of sale or statement from Maryland Assessment and Taxation)

g. Residential rental contract for an apartment or other rental property with the current, formal contract or agreement between the landlord and tenant which includes all signatures

h. First class or priority mail from a federal, state or local government agency to include the contents and envelope, excluding mail from the MD Motor Vehicle Administration;

i. Copy of federal or MD income tax return filing not more than 18 months old, with proof of filing;

j. Installment contract from a bank or other financial institution;

k. Sales tax or business license;

l. Major credit card and department/retail store credit card ;

m. Residential service contract n. Canceled check with imprinted name and address;

o. Voter registration card;

p. Selective service card.

q. For inmates or former inmates, the MVA will accept:

i. An order of parole; or

ii. Order of mandatory release; or

iii. An address certification issued by the MD MVA, signed by a Department of Public Safety official, and dated within 60 days of release.

w. (On the positive side, providing the youth is working with a homeless service provider) the MVA will accept: certification from homeless service providers (on letterhead of home/provider).

x. A dependent (may be of any age: minor, college student, elderly parent): The MVA may accept a certified statement (MVA form DL202) from the parent or guardian,

signed in the presence of a MVA official.

Birth Certificate - a minor can obtain a copy of their birth certificate to confirm U.S. citizenship by making contact with the Secretary of State office in the state in which they were born.

Social Security Number and Replacement Card - minors can obtain a copy of their SS number and a replacement card by contacting the Social Security Administration, and providing a copy of their birth certificate confirming citizenship and state-issued identification confirming identity.

8. Access to job training, career development, apprenticeships and internships

By providing the above documentation, minors who are legal and eligible may gain access to career- and job-related services.

III - THE GAPS IN PUBLIC- AND PRIVATE-SECTOR PROGRAMS AND RESOURCES AVAILABLE TO MEET THE NEEDS OF UNACCOMPANIED HOMELESS MINORS

- Accessing stable, safe, and secure housing

During the **2016-17** school year, Maryland public schools identified **2,337** unaccompanied homeless youth (the vast majority of those were minors) who lacked stable housing and were not in physical custody of a parent or guardian. Schools in Prince George's County, Baltimore County, Anne Arundel County, Montgomery County, and Frederick County identified the highest number of unaccompanied homeless youth at that time.

The latest YouthReach MD census and survey from this past April 2018 identified 1,033 youth age 24 and under statewide who were unstably housed and/or homeless. We clearly have a homeless youth issue here in Maryland, and it's growing.

Unaccompanied homeless minors are often unable to access safe shelter, leaving them vulnerable to exploitation, dangerous living situations, and school drop-out. Minors are not legally competent to contract for rental housing or a hotel room. The child welfare system is unable to provide housing and services for unaccompanied homeless minors who it determines do not meet the eligibility criteria for foster care services. The only private emergency shelters specifically serving unaccompanied homeless minors in Maryland are federally-funded "basic centers." These programs are a critical and effective resource, but exist only in three Maryland counties and have very limited bed space capacity.

Lack of access to shelter is a primary risk factor for commercial sexual exploitation of children. Community-based sheltering and housing solutions will prevent human trafficking and other exploitation of unaccompanied homeless minors by leading to the creation of more safe shelter options for them.

Many Maryland non-profit organizations choose not to shelter unaccompanied homeless minors because it is unclear under Maryland law whether and how they can do so lawfully.

For the following needs outlined below, while there are provisions in place in making these services available for minors down to a certain age minimum (normally age 16), lack of awareness, knowledge, and transportation to these services are a major impediment to connecting to these services.

- Access to mental health counseling and support
- Food assistance
- Access to health insurance and healthcare
- Additional educational support
- Legal rights and access to essential permanent records
- Access to job training, career development, apprenticeships and internships

Because of these barriers, case management and systems navigation to assist and support youth in accessing the services above is critical.

As for securing additional educational support, youth need to understand their rights afforded to them by the McKinney-Vento Act and have an advocate in place in each school that ensures that the rights and entitlements provided to them due to their status are protected and complied with.

IV. THE BARRIERS TO ACCESS SAFE SHELTER FOR UNACCOMPANIED HOMELESS MINORS

Shelters and community-based housing options for unaccompanied homeless minors provide an immediately accessible, youth-friendly space, and can engage youth who may be in an unsafe situation and facilitate their connection to the child welfare system when appropriate. A number of states in the country have begun to recognize the need over the past decade, and have adjusted their legal infrastructure to best accommodate for the need and numbers with increased ability and capacity for sheltering.

Maryland law currently does not prohibit minors from consenting to emergency shelter, and several federally-funded emergency shelters for unaccompanied homeless minors have operated successfully in the state for years. However, because Maryland law does not affirmatively establish that minors have legal capacity to consent to shelter admission, many non-profit organizations (including SHIP of Frederick County) that wish to support unaccompanied homeless minors choose not to provide shelter because it is unclear whether and how they can do so lawfully.

Maryland needs provisions to:

Workgroup To Study Shelter And Supportive Services for Unaccompanied Homeless Minors

- establish that an unaccompanied minor in need of shelter has the same capacity as an adult to consent to shelter and supportive services, thereby incentivizing non-profit organizations to shelter this extremely vulnerable and underserved population;
- require shelter providers to obtain written consent from unaccompanied homeless minors before providing services;
- require shelter providers to notify parents or guardians within 72 hours of admitting an unaccompanied homeless minor, consistent with longstanding federal Runaway and Homeless Youth Act regulations governing emergency shelter programs for minors experiencing homelessness;
- require shelter providers to notify child welfare agencies of any suspected abuse or neglect; and
- establish that shelter providers are not liable for civil damages or subject to any criminal or disciplinary penalties solely due to serving an individual who is a minor.

By doing so, existing barriers will be minimized, if not eliminated, for unaccompanied homeless minors seeking access to safe sheltering.