



HB0911 – Unaccompanied Minors in Need of Shelter - Consent to Shelter and Supportive Services

Presented to Hon. Luke Clippinger and Members of the House Judiciary Committee

February 28, 2019 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland **urges the House Judiciary Committee a favorable report on HB0911 - Unaccompanied Minors in Need of Shelter - Consent to Shelter and Supportive Services**, sponsored by Delegate Carol Krimm.

Our organization is an advocate for reproductive health, rights, and justice. We strive to ensure every individual has the freedom to decide if, when, and how to form their families, and to parent with dignity, in safety, and in good health. Access to safe spaces like emergency shelters is a particular concern for pregnant and parenting minors who are facing serious challenges in their homes and/or with family members who live or visit there. Therefore, we advocate for policies that seek to address the needs of youth experiencing housing instability who are pregnant and parenting. By ignoring the issue of youth homelessness in our communities, we risk missing opportunities to provide necessary resources for young people to realize goals toward long-term safety and self-sufficiency.

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 nonprofit organizations that wish to support unaccompanied homeless minors choose not to provide shelter because it is unclear whether and how they can do so lawfully. By providing clarity in the law, HB 911 will result in the creation of more emergency shelter options for these youth.

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 authorized 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 are determined to 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 counties and have very limited bed space. Our organization is aware of only two sites in the state willing to house pregnant minors.

Pregnant and parenting youths are at an increased risk for homelessness compared to their nonpregnant or nonparent peers. Many are forced out of their homes for being sexually active or pregnant when their parents and legal guardians feel that their daughters are violating cultural, religious, or community norms. Pregnant and parenting youth may also choose to leave their homes where there is a significant degree of physical, sexual, or emotional abuse, where there is ongoing criminal activity that contributes to unsafe or unstable environments, or when it is made clear by the adults in the residence that an additional child will not be supported. It is also important to note that many minors find challenges when securing new homes for themselves and the families they are forming when parents are deceased, incarcerated, or missing.

The need for these youth to self-consent to emergency shelter services is real. In a national study conducted by the University of Chicago, large numbers of homeless youth are pregnant or parenting as minors, with nearly 44% of homeless females being pregnant or parenting a child at the time of the survey.¹ Additionally, nearly 1.1 million children had a teen or young adult parent experience homelessness between 2017 and 2018.² Nationally, only 21% of homeless youth providers and programs serve minor parents between the ages of 13 and 17.³ The dearth of emergency shelters is amplified in rural areas where there are fewer sites and lack of transportation. Housing instability experienced by infants and children can have a tremendous impact on their education, health, sense of safety, and overall development. Children experiencing homelessness appear to have more behavioral and emotional issues, drop out of school or perform more poorly in formal education settings, and have increased health issues.⁴ When struggling with housing instability, other needs may not be met, such as access to healthcare. Health issues are common for pregnant youths facing homelessness as there can be barriers such as unreliable transportation, lack of health insurance, and documentation requirements.⁵ Access to prenatal care, prenatal testing, and labor and delivery services reduces the risk of pregnancy complications and negative birth outcomes, such as premature births and low birth rates, as well as maternal or infant mortality. Housing instability also contributes to school drop-out rates. During the 2016-2017 academic year, Maryland public schools identified 2,337 unaccompanied homeless students, who lacked stable housing and were not in physical custody of a parent or guardian. Pregnant and parenting youth who are also experiencing homelessness find increased challenges not only their parenting goals, but their education goals - which can be vital to economic security.

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. HB0911 bill sponsors introduced this legislation in response to requests from service providers who wish to provide this service and requested clarity in the law. For example, pregnant and parenting minors are currently not allowed to access domestic violence shelters, where it may be appropriate for them to find immediate safety and legal resources when facing abusive partners or their own parents or legal guardians. It is also important to note that lack of access to safe shelter is a primary risk factor for commercial sexual exploitation of youth. HB0911 will help prevent human trafficking and other exploitation of unaccompanied homeless minors by increasing the number of safe shelter options for them. This legislation requires that shelter agencies must be registered as 501(c)3 nonprofit organizations, ensuring that providers seeking to shelter minors are legitimate and known to state authorities.

In accordance with goals towards reproductive health, rights, and justice, pregnant and parenting homeless minors deserve to have the ability to ensure safety for themselves and their families by accessing emergency shelter when needed, just as adults do. Youth facing serious challenges in maintaining safe and stable homes for themselves and any children they are raising should have the right to shelter without parental or legal guardian consent. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on HB0911.** Thank you for your time and consideration.

¹ Dworsky, A., Morton, M. H., Samuels, G. M. (2018). *Missed opportunities: Pregnant and parenting youth experiencing homelessness in America*. Chicago, IL: Chapin Hall at the University of Chicago. <http://voicesofyouthcount.org/wp-content/uploads/2018/05/VoYC-Pregnant-and-Parenting-Brief-Chapin-Hall-2018.pdf>

² Ibid.

³ Dworsky A. Morton, M.(2018)

⁴ National Alliance to End Homelessness (2019) "Children and Families" <https://endhomelessness.org/homelessness-in-america/who-experiences-homelessness/children-and-families/>

⁵ Chelvakumar, G., Ford, N., Kapa, H.M. et al. (June, 2017) Healthcare Barriers and Utilization Among Adolescents and Young Adults Accessing Services for Homeless and Runaway Youth. *Journal of Community Health* (2017) 42: 437-43. <https://doi-org.proxygw.wrlc.org/10.1007/s10900-016-0274-7>