

22106121D

HOUSE BILL NO. 717

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 8, 2022)

(Patron Prior to Substitute—Delegate Filler-Corn)

A *BILL to amend the Code of Virginia by adding in Chapter 8 of Title 63.2 a section numbered 63.2-806, relating to unaccompanied homeless youths; services; consent.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 63.2 a section numbered 63.2-806 as follows:

§ 63.2-806. Unaccompanied homeless youths; services; consent.

A. As used in this section,

"Provider" means any person or organization that provides housing, including emergency shelter, or other services to an unaccompanied homeless youth.

"Unaccompanied homeless youth" means a homeless child or youth described in subdivision A 7 of § 22.1-3 who is not in the physical custody of a parent or guardian.

B. A child who is 14 years of age or older and who is an unaccompanied homeless youth as evidenced by a statement so stating and signed by an employee of any local education agency who serves as a liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of consenting to housing or other services provided in accordance with this section for himself or his minor child. A child who is 14 years of age or older who is an unaccompanied homeless youth who cannot produce a statement signed by an employee of any local education agency who serves as a liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of consenting to housing or other services provided in accordance with this section for himself or his minor child for a period of up to 72 hours.

C. No provider shall provide housing, including emergency shelter, to an unaccompanied homeless youth unless such provider has (i) registered with the Department and (ii) obtained consent to such services from the unaccompanied homeless youth.

D. A provider that provides housing services, including emergency shelter, to an unaccompanied homeless youth shall attempt to contact the parents or guardian of such unaccompanied homeless youth to inform them of the whereabouts of such unaccompanied homeless youth. If the provider is unable to contact the parent or guardian of the unaccompanied homeless youth or if the provider determines that contacting the parent or guardian is not in the best interests of the youth, the provider shall (i) document the steps taken to identify and notify the parent or guardian or the reasons for the determination that contact with the parent or guardian is not in the best interests of the unaccompanied homeless youth and (ii) immediately notify the local department of social services of the whereabouts of the child. If the provider determines that the child has been reported missing or that the National Center for Missing and Exploited Children has a record of the child being reported missing by a legal guardian, the provider shall also contact local law enforcement. The provider shall retain such documentation for a period of not less than five years.

E. Any person who, in good faith, relies upon a written statement described in subsection B shall not be liable in any civil or criminal action for delivering services to an unaccompanied homeless youth pursuant to this section without the consent of his parent or guardian, provided that such provider has complied with the requirements of this section. However, no provider shall be relieved of liability for any negligent or criminal acts on the basis of this section.

F. The Board shall adopt regulations to implement the provisions of this section, which shall include a process for registering persons wishing to provide housing services to unaccompanied homeless youths. Regulations governing such registration process shall include requirements for submission of (i) the name and contact information of such person or, if services are to be provided by an organization, the executive officer and each member of the board of directors of such organization, (ii) a description of the type of housing service provided, including the age range of individuals to whom services are provided, and (iii) documentation that every person who provides services to unaccompanied homeless youths on behalf of the person or organization has undergone a criminal history background check in accordance with regulations of the Board.

2. That the Department of Social Services (the Department) shall establish a work group composed of at least one local education agency liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii), one attorney who represents unaccompanied homeless youths, one provider of housing and other services for unaccompanied homeless youths, one provider of

60 medical care for unaccompanied homeless youths, three individuals who are or have been
61 unaccompanied homeless youths, and such other stakeholders as the Department shall deem
62 appropriate to make recommendations to the Board of Social Services regarding regulations
63 adopted pursuant to this act.
64 3. That the work group established pursuant to the second enactment of this act shall also develop
65 recommendations regarding authorizing unaccompanied homeless youths to consent to medical
66 care. The Department of Social Services shall report such recommendations to the Governor and
67 the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate
68 Committee on Education and Health by December 1, 2022.