

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 8 of Title 63.2 a section numbered*
 3 *63.2-806, relating to unaccompanied homeless youths; services; consent.*

4
 5 Approved

[H 717]

6 **Be it enacted by the General Assembly of Virginia:**

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

9 **§ 63.2-806. Unaccompanied homeless youths; services; consent.**

10 *A. As used in this section,*

11 *"Provider" means any person or organization that provides housing, including emergency shelter, or*
 12 *other services to an unaccompanied homeless youth and that receives funding from the Virginia*
 13 *Homeless Solutions Program or any other grant program administered by the Homeless and Special*
 14 *Needs Housing unit of the Department of Housing and Community Development.*

15 *"Unaccompanied homeless youth" means a homeless child or youth described in subdivision A 7 of*
 16 *§ 22.1-3 who is not in the physical custody of a parent or guardian.*

17 *B. A child who is 14 years of age or older and who is an unaccompanied homeless youth as*
 18 *evidenced by a statement so stating and signed by an employee of any local education agency who*
 19 *serves as a liaison for homeless children and youths designated pursuant to 42 U.S.C.*
 20 *§ 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of consenting to housing or other services*
 21 *provided in accordance with this section for himself or his minor child. A child who is 14 years of age*
 22 *or older who is an unaccompanied homeless youth who cannot produce a statement signed by an*
 23 *employee of any local education agency who serves as a liaison for homeless children and youths*
 24 *designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of*
 25 *consenting to housing or other services provided in accordance with this section for himself or his*
 26 *minor child for a period of up to 72 hours.*

27 *C. A provider that provides housing services, including emergency shelter, to an unaccompanied*
 28 *homeless youth shall attempt to contact the parents or guardian of such unaccompanied homeless youth*
 29 *to inform them of the whereabouts of such unaccompanied homeless youth. If the provider is unable to*
 30 *contact the parent or guardian of the unaccompanied homeless youth or if the provider determines that*
 31 *contacting the parent or guardian is not in the best interests of the youth, the provider shall (i)*
 32 *document the steps taken to identify and notify the parent or guardian or the reasons for the*
 33 *determination that contact with the parent or guardian is not in the best interests of the unaccompanied*
 34 *homeless youth and (ii) immediately notify the local department of social services of the whereabouts of*
 35 *the child. The provider shall report the child's presence to local law enforcement and the National*
 36 *Center for Missing and Exploited Children in order to determine whether the child has been reported*
 37 *missing or the National Center for Missing and Exploited Children has a record of the child being*
 38 *reported missing by a legal guardian. The provider shall retain such documentation for a period of not*
 39 *less than five years.*

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

45 *E. The Board shall adopt regulations to implement the provisions of this section.*

46 **2. That the Department of Social Services (the Department) shall establish a work group composed**
 47 **of at least one local education agency liaison for homeless children and youths designated pursuant**
 48 **to 42 U.S.C. § 11432(g)(1)(J)(ii), one attorney who represents unaccompanied homeless youths, one**
 49 **provider of housing and other services for unaccompanied homeless youths, one provider of**
 50 **medical care for unaccompanied homeless youths, three individuals who are or have been**
 51 **unaccompanied homeless youths, and such other stakeholders as the Department shall deem**
 52 **appropriate to make recommendations to the Board of Social Services regarding regulations**
 53 **adopted pursuant to this act.**

54 **3. That the work group established pursuant to the second enactment of this act shall also develop**
 55 **recommendations regarding authorizing unaccompanied homeless youths to consent to medical**
 56 **care. The Department of Social Services shall report such recommendations to the Governor and**

57 the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate
58 Committee on Education and Health by December 1, 2022.