

VIRGINIA ACTS OF ASSEMBLY -- 2022 RECONVENED SESSION

CHAPTER 801

An Act 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.

[H 717]

Approved May 27, 2022

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 and that receives funding from the Virginia Homeless Solutions Program or any other grant program administered by the Homeless and Special Needs Housing unit of the Department of Housing and Community Development.

"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. 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. The provider shall report the child's presence to local law enforcement and the National Center for Missing and Exploited Children in order to determine whether the child has been reported missing or the National Center for Missing and Exploited Children has a record of the child being reported missing by a legal guardian. The provider shall retain such documentation for a period of not less than five years.

D. 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.

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

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 medical care for unaccompanied homeless youths, three individuals who are or have been unaccompanied homeless youths, and such other stakeholders as the Department shall deem appropriate to make recommendations to the Board of Social Services regarding regulations adopted pursuant to this act.

3. That the work group established pursuant to the second enactment of this act shall also develop recommendations regarding authorizing unaccompanied homeless youths to consent to medical care. The Department of Social Services shall report such recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2022.