

CURRENT AND PENDING STATE LAWS ALLOWING UNACCOMPANIED HOMELESS YOUTH TO CONSENT FOR HOUSING AND RELATED SERVICES¹



Several state legislatures have recognized that unaccompanied homeless youth under age 18 need legal rights to access housing, shelter, and other basic services. States can provide critical protections, such as empowering minors experiencing homelessness to enter into contracts and to consent to shelter services. Below is a summary of such state laws, including several bills SchoolHouse Connection helped conceive, draft, and pass.²

Laws Empowering Minors Experiencing Homelessness to Enter into Contracts

➤ **Missouri [Rev Stat §431.056](#) (2000), amended by [HB 1414](#) (2020)**

A youth age 16 or 17 who is homeless or a victim of domestic violence and who is self-supporting (without physical or financial support of a parent or legal guardian) can contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care and mental health care, establishing a bank account, admission to a shelter, and receipt of services as a victim of domestic violence or sexual abuse, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services. The youth's parent or legal guardian must have consented to the youth living independently, but consent can be implied by the simple act of forcing the youth out of the home, refusing to provide financial support to the youth, or abuse or neglect. Consent also can be demonstrated by a letter from a homeless service provider or school district homeless liaison. Any legally-constituted entity or licensed provider who contracts with a minor under this provision is immune from liability for the determination to contract with the minor (with the exception of gross negligence or willful or wanton acts or omissions).

➤ **Oregon [Rev. Stat. §109.697](#) (1993)**

A youth age 16 or 17, or any youth who is pregnant or parenting and living with his or her child, can contract for a residential dwelling unit and utility services, if the youth is living apart from a parent or legal guardian.

➤ **Wyoming [Stat. §14-1-102](#) (2017)**

A youth age 16 or 17 who is homeless, managing his or her own financial affairs, and living separate from parents can obtain his or her birth certificate and contract for housing, employment, purchase of a motor vehicle, receipt of a student loan, admission to postsecondary school, establishing a bank account, admission to a shelter, and receipt of services. Parents must have "acquiesced" to the

¹ This document does not address consent for health care. A summary of minor consent to routine health care is available on [our website](#).

² Please contact Patricia Julianelle at patricia@schoolhouseconnection.org to share information about other state minor consent laws, or to request SchoolHouse Connection's help on state law advocacy in your state.

youth living independently, and the youth must provide an affidavit stating his or her eligibility, signed by the minor and two adults who confirm the minor understands the legal implications of the contract.

Laws Empowering Minors Experiencing Homelessness to Consent for Shelter Services

➤ **California [Family Code §6924 \(1992\)](#)**

A youth 12 years old or older may consent to residential shelter services if the youth is mature enough to participate intelligently in the services, and either would present a danger of serious physical or mental harm to self or to others without the services, or is the alleged victim of incest or child abuse.

➤ **Colorado Revised Statutes [§§26-5.7-105, 26-5.7-106 \(2020\)](#)**

A youth 15 years old or older may consent for shelter and crisis intervention, family reconciliation, and alternative residential services. The service provider must notify a parent, legal guardian, or law enforcement within 24 hours or providing shelter. If the youth refuses to provide parent or guardian contact information, parent or guardian is deceased, or the provider believes notifying a parent or guardian is not in the youth's best interest due to imminent risk of abuse or neglect, the provider must notify child welfare, with 24 hours.

➤ **Hawaii [Revised Statutes §346-17.6 \(2012\)](#)**

A youth can consent to emergency shelter and related services if the youth understands the benefits, responsibilities, risks, and limits of the shelter and services, and agrees to adhere to the provider's rules and cooperate and participate in the services recommended by the provider, if: 1) The provider has not, despite reasonable efforts, been able to contact a parent/guardian; 2) The provider has made contact with a parent/guardian, the parent/guardian has refused to consent, and the provider reasonably believes that the youth would incur or be threatened harm if the youth returned home; **OR** 3) The youth has refused to provide contact information for a parent/guardian, and the provider reasonably believes that the minor would incur or be threatened harm if the youth returned home.

➤ **Indiana [Code 31-36-3-2 \(2009\)](#)**

A shelter or program that provides shelter, or services or items related to providing shelter, may provide shelter, services, and items to homeless or low-income children without the notification, consent, or permission of the child's parent, guardian, or custodian.

➤ **Maryland [SB 207 \(2020\)](#)**

An unaccompanied minor (minor who is not in the physical custody of a parent or legal guardian and who is homeless or at significant danger of experiencing homelessness in the near future) in need of shelter may consent to shelter and supportive services for herself/himself and her/his child (if applicable), if the service provider reasonably believes that:

- The minor understands the benefits, responsibilities, risks, and limits of the shelter and services and can communicate informed consent, and
 - The shelter and services are necessary to ensure the minor's safety and well-being.
- Service providers include public or private nonprofit organizations that provide shelter and supportive services to unaccompanied minors, including host homes, and must:
- Register with the Department of Housing and Community Development,
 - Implement screening procedures for staff,
 - Obtain written consent from each minor,
 - Contact the minor's parent, guardian or adult relative within 72 hours or report abuse or neglect if suspected, unless the provider is unable to contact, and does not suspect abuse by, a parent, guardian, or adult relative (in which case the provider must check the National Center for Missing and Exploited Children to determine if the minor has been reported missing).

➤ **Minnesota [HF 11 \(2020\)](#) (to be codified at Minn. Stat. §256K.451)**

A minor living separately from the minor's parent or legal guardian may give consent to receive homeless youth services and services for sexually exploited youth.

➤ **Texas [Family Code §§32.202 and 32.203 \(2003, 2013\)](#)**

A youth can consent to housing or care through an emergency shelter or transitional living program if the youth: 1) is 16 or 17 years old, manages his or her own financial affairs, and lives separately from parents and guardians (regardless of whether the parent or guardian consents); or 2) is unmarried and pregnant or parenting.

➤ **Utah [HB 371 \(2019\)](#)**

Youth experiencing homelessness can consent to temporary shelter, assistance with basic needs, access to a bed, showers or transportation, assistance with school enrollment or attendance, or licensed services if they: 1) are at least 15 years old; and 2) manage their own financial affairs, regardless of the source of income. A person or shelter is not guilty of harboring a runaway when they provide shelter, care, or services to such youth if contacting the youth's parents/guardians is not in the child's best interest, if the parent/guardian cannot be located, or if the youth refuses to disclose the parent's/guardian's contact information.