

Homeless Youth
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Young Adults in Baltimore:
An Overview of the Law

Jessica Rae
Seri Wilpone
Maryland Legal Aid
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Homeless Youth & Young Adults in Baltimore: An Overview of the Law

Jessica Rae and Seri Wilpone
Legal Aid Bureau, Inc.

Established in 1911, the Legal Aid Bureau, Inc. (Legal Aid) is a not-for-profit, 501(c)(3) law firm dedicated to providing free legal services to Maryland's low-income residents. Legal Aid provides a full range of civil legal representation including referrals, advice, and brief services, litigation, community education, policy advocacy, and broad-based "impact" work in family, education, children's rights, housing, public benefits, employment and consumer law.



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For further information, please contact:
Ross Pologe
Fellowship of Lights, Inc.
Baltimore, MD
410-332-4277, x 222
Ross.Pologe@gmail.com

Introduction

“Youth who have become homeless or who leave and remain away from home without parental permission, are at risk of developing, and have a disproportionate share of serious health, behavioral, and emotional problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate...many such young people, because of their age and situation, are urgently in need of temporary shelter and services, including services that are linguistically appropriate and acknowledge the environment of youth seeking these services...”

The Runaway and Homeless Youth Act (42 U.S.C. 5701)

The Baltimore Homeless Youth Initiative (BHYI) was created in response to a need for a comprehensive continuum of housing, resources, services and care for Baltimore’s homeless and unstably housed youth and young adults between the ages of 16-24. Homeless young people are on the streets of Baltimore without basic resources, education, skills, or a plan for the future. They can easily fall prey to drug use and criminal behavior, often through gang involvement, as well as become victims of violence. Many youth who have aged out of our child welfare system are caught in limbo - between the protections of childhood and the responsibilities of adulthood - that makes them susceptible to homelessness.

Counting the number of homeless and fragilely-housed youth is a difficult task since youth tend to avoid mainstream services. In 2002, there were an estimated 1.7 million homeless youth in the United States.¹ In 2007, the Baltimore City Homeless Census found at least 331 homeless individuals under the age of 18² and BHYI identified 272 homeless youth age 8 to 25 years old in a parallel count.³ In addition, there are an estimated 2,000 homeless

¹ Finkelhor, David, Heather Hammer, Dana J. Schultz, and Andrea J. Sedlak, National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART-2), National Estimates of Missing Children: An Overview, U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, at 10, Table 7 (October 2002). Available at <http://www.ncjrs.gov/html/ojjdp/nismart/01/index.html>.

² Baltimore Homeless Services, Baltimore City Department of Health, The 2007 Baltimore City Homeless Census, at 9 (2007)

³ Id.

students in Baltimore City⁴ and the National Runaway Switchboard reports receiving 3,359 crisis calls from Maryland.⁵

The statistical data tells the story in Baltimore. According to the 2003 “Portrait of Poverty” issued by the Maryland Department of Legislative Services, the poverty rate in Baltimore is alarmingly high with 25,000 households living in sub-standard housing. Of Baltimore’s 635,000 residents, one in four live in poverty with half of the city’s available jobs being low-skill, low-wage jobs. For many young adults in Baltimore, the transition between childhood and adulthood is socially and economically difficult, and prospects for the future are discouraging. In 2005, only 60% of Baltimore’s high school students graduated and 8% of teenage girls gave birth to a child.

Youth hold the fastest growing HIV infections rates in the country. According to the CDC report “Young People at Risk: HIV/AIDS Among America’s Youth” Baltimore has been disproportionately impacted by a relentless HIV/AIDS epidemic, while youth also face large disparities in education, housing and employment opportunities. Along with drug activity and abuse, this generation has been plagued by high rates of violent crime and incarceration.

While Baltimore has many valuable resources for the homeless, there are significant gaps, especially for older youth. None of the homeless services in the city are designed specifically for youth ages 16-24; most of the transitional housing facilities do not have the capacity to provide significant supplementary service. There are few coordinated linkages among the services.

BHYI believes that in order to achieve self-sufficiency in adulthood, youth need basic competencies, a sense of connectedness to others and community, a sense of control over their future, and a stable identity. Effective youth development requires a holistic approach in order to successfully address the multiple needs of homeless youth and young adults. Achieving a significant impact on their development depends on the collaboration of many community partners.

⁴ Charles, Vignetta, Jayne Blanchard, and Nan Astone, Center for Adolescent Health, Johns Hopkins Bloomberg School of Public Health, Adolescent Matters, Issues Focus, Uncounted and Disconnected: Homeless Youth In Baltimore, at 1 (Winter 2008). Available at <http://www.jhsph.edu/adolescenthealth/>

⁵ National Runaway Switchboard Call Statistics. Available at http://www.1800runaway.org/news_events/call_stats.html. Over 70% of the callers were under age 18.

1. Definitions Applicable to Homeless and Runaway Youth and Young Adults

Maryland does not have a single comprehensive statutory scheme designed to address the needs of unaccompanied youth. Rather, a multitude of laws, regulations, policies and definitions, both state and federal, affect unaccompanied youth. Definitions for a particular program will usually be found in the authorizing laws and regulations for the program. Definitions vary from statute to statute, from the general to the specific.

ABUSE The physical or mental injury of a child by a parent or other person who has permanent or temporary care and custody or responsibility for supervising a child, or by a household or family member, under circumstances that indicate that the child's health or welfare is harmed or is at a substantial risk of harm, or sexual abuse of a child whether or not physical injuries are sustained.⁶

CHILD Generally an individual under the age of 18.⁷ The term can also refer to the offspring of a parent, regardless of age, for

⁶ MD. CODE ANN., CTS. & JUD. PROC. § 3-801(b) and MD. CODE ANN., FAM. LAW § 5-701(b). See also, MD. CODE ANN., CRIM. LAW § 3-601(a)(2)(defining criminal child abuse as physical injury sustained by a minor as a result of cruel or inhumane treatment or a malicious act under circumstances that indicate that the minor's health or welfare is harmed or threatened by the act).

⁷ See e.g., MD. CODE ANN., CTS. AND JUD. PROC. § 3-801(e)(pertaining to children in need of assistance); MD. CODE ANN., CTS. AND JUD. PROC. § 3-8A-01(d)(pertaining to children other than children in need of assistance and adults); MD. CODE ANN., FAM. LAW § 5-701(e)(pertaining to child abuse and neglect); MD. CODE ANN., FAM. LAW § 9-401(c)(pertaining to missing children); MD. CODE ANN., FAM. LAW § 9.5-101(c)(pertaining to the Uniform Child Custody Jurisdiction and Enforcement Act); MD. CODE ANN., CRIM. LAW § 4-202.1(pertaining to children in custody after bail review); MD. CODE ANN., HEALTH-GEN. § 5-701(b)(pertaining to the child fatality reviews); MD. CODE ANN., HEALTH-GEN. § 5-127(a)(2)(pertaining to medical assistance programs for rape and abuse victims); MD. CODE ANN., HUM. SERV. § 9-304(pertaining to the Interstate Compact on Juveniles). Compare MD. CODE ANN., EDUC. § 8-101(b)(pertaining to special programs for disadvantaged children and defining disadvantaged child, in part, as an individual at least 3 years old and under 19); MD. CODE ANN., STATE PERS. & PENS. § 10-404(a)(2)(pertaining to death benefits for survivors of state employees and defining child, in part, as an individual 18 years old or under); MD. CODE ANN., FAM. LAW § 5-570(b)(pertaining to child care centers and defining child as an individual under 16 years old); MD. CODE ANN., FAM. LAW § 10-301(pertaining to child support and defining child, in part, as an individual over or under the age of majority); MD. CODE ANN., HEALTH-GEN. § 7-701(b)(pertaining to developmental disabilities law and defining eligible child as an individual with a developmental disability under the age of 22); MD. CODE ANN., CRIM. LAW § 3-503(pertaining to child kidnapping and prohibiting the taking of an individual under age 16); MD. CODE ANN., CRIM. LAW § 4-104(pertaining to child access to

purposes of determining whether there is a legal relationship between the two. Maryland recognizes legitimate, illegitimate, and adopted children as equally related to the parents.⁸

*CHILD IN NEED
OF ASSISTANCE
(CINA)*

A child who requires court intervention because the child has been abused, has been neglected, has a developmental disability, or has a mental disorder and whose parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.⁹

*CHILD IN NEED
OF SUPERVISION
(CINS)*

A child who has committed an offense that applies only to children and who also requires guidance, treatment or rehabilitation.¹⁰

*DELINQUENT
CHILD*

A child who has committed an act that would be crime if committed by an adult and who requires guidance, treatment, or rehabilitation.¹¹

DEPENDENT

An individual, usually a child or other relative, who depends on an adult for at least half of their support.¹² The definition

firearms and defining a child to be a individual under 16 years old). See also, 6 U.S.C.A. § 774(a)(4)(pertaining to national emergency management and defining displaced child as an individual under 21); 8 U.S.C.A. § 1101(b)(1)(pertaining to immigration and nationality and defining a child, in part, as an individual under 21); 20 U.S.C.A. § 7011(1)(pertaining to language instruction for limited English proficient students and defining child as an individual 3 years old through 21); 42 U.S.C.A. § 12376(pertaining to the White House Conference on Children, Youth, and Families and defining “child”, “youth” and “young individual” as an individual under age 21.)

⁸ See generally, MD. CODE ANN., EST. & TRUSTS §§ 1-205 – 1-209(pertaining to estates of decedents and excluding a stepchild, a foster child, or a grandchild from the definition of child). Compare MD. CODE ANN., TAX-GEN. § 7-203 (b)(1)(ii)(pertaining to events exempt under the inheritance tax and including stepchild or former stepchild within the definition of child), MD. CODE ANN., NAT. RES. § 10-301(a)(pertaining to hunting licenses and including foster children, foster grandchildren, stepchildren and step grandchildren within the definition of child) and MD. CODE ANN., PUB. SAFETY § 1-202(a)(2)(pertaining to death benefits for employees killed in the performance of duty and including natural, adopted, legitimate, illegitimate and stepchildren within the definition of child).

⁹ MD. CODE ANN., CTS. & JUD. PROC. § 3-801(b)(f).

¹⁰ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-01(e).

¹¹ MD. CODE ANN., CTS. & JUD. PROC § 3-8A-01(m).

¹² See generally, MD. CODE ANN., CRIM. PROC. § 11-801(e); 26 U.S.C.A. § 152(Internal Revenue Code); and 20 U.S.C.A. § 1087vv(k)(Education)

of a *dependent child* varies widely by program and often references the dependent child's educational status.¹³

HOMELESS

Someone who is in need of housing or emergency shelter and proper nutrition, cannot be immediately placed in another available housing, nutrition, and services program.¹⁴

The condition of being without permanent housing including living on the streets; staying in a shelter, mission, temporary single room occupancy or transitional housing facility, abandoned building or vehicle, or any other unstable or nonpermanent situation; living doubled up; or being released from a facility or program, such as a foster care program, without a stable housing situation to which the person can return.¹⁵

An individual or group of individuals without permanent housing and lacking the resources to obtain permanent housing, and in imminent danger of homelessness.¹⁶

A homeless woman is a female 18 years old or older who is without shelter, and who is not eligible for or not able to be housed by another shelter facility or housing service at the time of application.¹⁷

HOMELESS CHILDREN AND YOUTH

Children and youth who lack a fixed, regular, and adequate nighttime residence; are sharing the housing of other persons due to loss of housing; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement;¹⁸ have a primary nighttime

¹³ See e.g., 26 U.S.C.A. § 152(c)(3)(Internal Revenue Code-under the age of 19 or under the age of 24 and a student); 10 U.S.C.A. § 1072(2)(D)(Armed Forces -under the age of 21 or under the age of 23 and a student); 5 U.S.C.A. § 8341(A)(4)(Government Organizations and Employees-under 18 years old or between 18 and 22 and in school).

¹⁴ MD. CODE ANN., HUM. SERV. § 6-417(c)(Shelter, Nutrition, and Service Program for Homeless Individuals and Families). Other statutes refer to federal definitions, see e.g., MD. CODE ANN., EDUC. § 8-412(a)(8)(pertaining to the appointment of parent surrogates for unaccompanied homeless youth).

¹⁵ MD. CODE REGS. 05.05.03.03B(11)(Rental Allowance Program)

¹⁶ MD. CODE REGS. 05.05.09.03B(7) (Transitional Housing Program)

¹⁷ MD. CODE REGS. 07.06.03.02B(Homeless Women-Crisis Shelter Home)

¹⁸ Neither Maryland nor federal law or regulations define "awaiting foster care placement."

residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children who are living in circumstances described above.¹⁹

Individuals who are unable to live in a safe environment with a relative, have no other safe alternative living arrangement, and are not more than 21 years old.²⁰ However, homeless youth accessing services through the federally funded Basic Shelter program must be 18 years old or younger²¹ and those in transitional living programs must be at least 16 years old through 21.²²

JUVENILE

An individual under the age of eighteen or an individual found to be delinquent who remains under the jurisdiction of the court.²³ The term juvenile is often used in the connection with the court system, delinquent behavior and the state agency that provides services for delinquents and CINS children.²⁴

MENTAL INJURY

The observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.²⁵

MINOR

Someone who has not reached the age of majority. The age of majority was reduced from age 21 to age 18 on July 1, 1973.²⁶

¹⁹ 42 U.S.C.A. § 11434a(2).

²⁰ 42 U.S.C.A. § 5732a(3).

²¹ 42 U.S.C.A. § 5732a(3).

²² 42 U.S.C.A. § 5732a(3).

²³ See, MD. CODE ANN., HUM. SERV. § 9-303(Article III-defining juvenile delinquent as an individual who has been adjudged delinquent and who, at the time the provisions of the interstate compact on juveniles are invoked, is still subject to the jurisdiction of the court.). See also, 18 U.S.C.A. § 5031(pertaining to juvenile delinquency and defining juvenile as an individual under 18 or under 21 but remaining under the court's jurisdiction for a delinquent act).

²⁴ See generally, MD. CODE ANN., HUM. SERV. § 9-401(c)(pertaining to juvenile services); MD. CODE ANN., FAM. LAW, § 1-101(f)(defining juvenile court).

²⁵ See generally, MD. CODE ANN., CTS. & JUD. PROC. § 3-801(r)(pertaining to Children in Need of Assistance) and MD. CODE ANN., FAM. LAW § 5-701(r).

²⁶ MD. CODE ANN., ART. 1 § 24. But see 20 U.S.C.A. § 6777(e)(4)(pertaining to internet safety in schools and defining minors as individuals under the age of 17).

NEGLECT

Leaving a child unattended or failing to give proper care and attention to a child by any parent or other person with permanent or temporary custody or guardianship or responsibility for supervising a child under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm, or mental injury to the child has occurred or is at substantial risk of occurring.²⁷

RUNAWAY

The most detailed discussion of runaways in Maryland law appears in the Interstate Compact on Juveniles which provides remedies and procedures for returning delinquent juveniles or non-delinquent youth who have run away from the state. The compact allows the parent or legal custodian to petition a court for return of the child. Return is not automatic however, and provides some protection to minors who have good reasons for leaving home and crossing state lines. The parent or custodian must provide proof of custody, the circumstances that led to the minor's running away, and facts that establish that the minor who has run away is endangering the minor's own welfare or the welfare of others. Even if a parent does not petition for the return of a runaway minor, the state in which the minor currently lives may take steps to return the minor to an out-of-state parent. Under these circumstances, however, the minor is appointed counsel and has other procedural rights.²⁸

SEXUAL ABUSE

Sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary custody or responsibility for supervising a child, or by any household or family member. Sexual abuse includes incest, rape, sexual offenses in any degree, sodomy and unnatural or perverted sexual practices.²⁹

STREET YOUTH

Youth who are indefinitely or intermittently homeless, runaway youth and those who spend a significant amount of time on the street or in other areas that increase the youth's

²⁷ MD. CODE ANN., CTS. & JUD. PROC. § 3-801(s); MD. CODE ANN., FAM. LAW § 5-701(s)(2006).

²⁸ MD. ANN. CODE, HUM. SERV. § 9-303.

²⁹ MD. CODE ANN., CTS. & JUD. PROC. § 3-801(x); MD. CODE ANN., FAM. LAW § 5-701(x). See also, MD. CODE ANN., CRIM. LAW § 3-602(a)(4)(defining criminal sexual abuse as an act that involves the sexual molestation or exploitation of a child regardless of any injuries).

risk for sexual abuse, sexual exploitation, prostitution, or drug abuse.³⁰

*Thrownaway
Youth*

Youth who have been asked or told to leave home or prevented from returning home by a parent or other household adult and no adequate alternative care is arranged.³¹

*UNACCOMPANIED
YOUTH*

Youth not in the physical custody of a parent or guardian.³²

YOUTH

Includes minors as well as young adults. In Maryland, programs define youth as individuals under age 21,³³ individuals between 16-24,³⁴ and individuals between 14-21.³⁵ Definitions found in federal programs are equally diverse.³⁶

*YOUTH AT RISK
OF SEPARATION
FROM THE
FAMILY*

Youth under 18 years old who have a history of running away, whose parents are unwilling to provide for the youth's basic needs, or are at risk of becoming system involved because of a lack of services available to the youth's family.³⁷

³⁰ 42 U.S.C.A. § 5732a(5).

³¹ Finkelhor, David, Heather Hammer, and Andrea J. Sedlak, National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART-2): Runaway/Thrownaway Children: National Estimates and Characteristics, U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, at 2 (October 2002). Available at <http://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>

³² 42 U.S.C.A. § 11434a(6).

³³ MD. CODE ANN., CORR. SERV. § 4-401(b)(Patuxent Institution Youth Program)

³⁴ MD. CODE ANN., NAT. RES. § 5-218(State Conservation Corps);

³⁵ MD. ANN. CODE, LAB. & EMPLOY. § 11-602(b)(2)(Maryland Summer Youth Connection Program).

³⁶ See, 42 U.S.C.A. § 290bb-36(l)(4)(defining youth as individuals between 10 and 24 years of age); 42 U.S.C.A. § 12302(defining young individual as any child or youth from birth to 21 years of age); 29 U.S.C.A. § 2852(b)(2)(C)(defining "disadvantaged youth" as an individual age 16 through 21 years old); 42 U.S.C.A. § 13925 (a)(37)(defining youth as teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking)

³⁷ 42 U.S.C.A. § 5732a(7).

II. YOUTH RIGHTS

RIGHT TO CARE AND ATTENTION

Parents are the joint natural guardians of their children under age 18.³⁸ Both parents have the same rights and responsibilities, although if one parents dies, abandons the family, or is incapable of acting as a parent, the other parent becomes the sole natural guardian.³⁹

Parents are responsible for taking care of their children's needs including providing for support, care, nurture, welfare, education,⁴⁰ and medical care.⁴¹ When a parent fails to provide proper care and attention or causes injury to a child, the parent may be found to have neglected or abused their child⁴² and can be criminally charged with child abuse or failure to support.⁴³

RIGHT TO ENTER INTO CONTRACTS

In Maryland, only individuals 18 and older have the capacity to contract.⁴⁴ Although historically, contracts with a youth under the age of majority were considered to be null and void the moment the contract was entered into; common practice generally allows youth to void the contract at any time prior to age 18 or within a reasonable time thereafter.⁴⁵

³⁸ MD CODE ANN, FAM. LAW § 5-203 (a)(1).

³⁹ MD CODE ANN, FAM. LAW § 5-203 (a)(2).

⁴⁰ MD CODE ANN, FAM. LAW § 5-203 (b).

⁴¹ See generally, Johns Hopkins Hosp. v. Pepper, 346 Md. 679, 697 A.2d 1358 (1997); Garay v. Overholtzer, 329 Md. 756, 621 A.2d 897 (1993), opinion after grant of cert., 332 Md. 339, 631 A.2d 429 (1993); Craig v. State, 220 Md. 590, 155 A.2d 684 (1954), State v. Fabritz, 276 Md. 416 (1975).

⁴² See generally, MD. CODE ANN., FAM. LAW §§ 5-701 - 5-714(Child abuse and neglect investigations); MD. CODE ANN., CTS. & JUD. PROC. §§ 3-801 – 3-823(Child In Need of Assistance proceedings).

⁴³ MD. CODE ANN., FAM. LAW § 10-203(A parent who deserts or willfully fails to provide for his or her child can be found guilty of a misdemeanor, subject to a fine, imprisonment, or both); MD. CODE ANN., CRIM. LAW § 3-601(A parent who causes abuse to a child can be found guilty of felony child abuse, subject to imprisonment).

⁴⁴ MD. CODE ANN, COM. LAW § 1-103

⁴⁵ See generally, Garay v. Overholtzer, 332 Md. 339, 368-367, 631 A.2d 429, 443 (1993).

This “protection” can prevent youth from being able to obtain housing, transportation or other necessities that they need because adults are wary of entering into one sided contracts. However, youth may be bound to the terms of a contract for necessities.

Contracts for Necessities

For over 100 years, Maryland’s courts have recognized that youth who have not attained the age of majority can be bound by contracts for necessities.⁴⁶ Although what is considered to be “necessities” depends on a particular youth’s circumstances, housing, food, clothing, medical care, education, and “other necessities” have been found to be necessities.⁴⁷

The “contracts for necessities” doctrine does not grant youth the right to enter into contracts but rather allows youth to be held to the terms of a contract in certain circumstances. “It is as much a mechanism to protect [youth under age 18] as it is one to protect those who provide them with necessary services and goods.”⁴⁸ In theory, individuals would be more willing to contract with youth under age 18 because they would have the ability to enforce the contract against the youth and youth could obtain the goods and services they need. However, because “parents are presumed and charged by law to provide for a child's necessities,” whenever a youth under the age of 18 enters into a contract, it is presumed to be a contract for non-necessaries and thus is voidable by the youth.⁴⁹ In general and in the absence of specific statutory language that grants youth under age 18 the capacity to contract, any adult who contracts with a youth under the age of 18 “does so at his peril, or as it is said, deals with them at arms' length.”⁵⁰

⁴⁶ See generally, *Monumental Bldg. Ass'n. v. Herman*, 33 Md. 128 (1870), *Arrabal v. Crew-Taylor*, 159 Md. App. 668, 862 A. 2d 431 (2004).

⁴⁷ *Monumental Bldg. Ass'n. v. Herman*, 33 Md. 128 (1870)(listing “board, apparel, medical aid, teaching and instruction, and other necessities.”)

⁴⁸ *Arrabal v. Crew-Taylor*, 159 Md. App. 668, 697, 862 A. 2d 431, 447 (2004)(internal citations omitted).

⁴⁹ *Id.*(citing *Gardner v. Flowers*, 529 S.W.2d 708 (Tenn.1975)).

⁵⁰ *Monumental Bldg. Ass'n. v. Herman*, 33 Md. 128 (1870).

*RIGHT TO
CONSENT TO
MEDICAL CARE*

In general, parents have the responsibility of ensuring that their children's medical needs are met. However, in some specific situations, youth under the age of 18 can obtain health care without parental consent or knowledge.

Exceptions to the General Rule

Youth who are married⁵¹ or are parenting⁵² can consent to their medical care. Youth have the same capacity as an adult to seek medical treatment for alcohol⁵³ or drug abuse,⁵⁴ sexually transmitted diseases,⁵⁵ pregnancy,⁵⁶ contraception,⁵⁷ and injuries from a sexual assault.⁵⁸ Youth can consent to a physical examination if they are being placed into a detention center.⁵⁹

Parental consent is not necessary if a youth's doctor believes that the youth's life or health would be adversely affected by delaying the treatment to seek consent from the appropriate person.⁶⁰

Youth age 17 and older can donate blood without parental consent provided that the youth does not get paid for the donation and is donating blood through an accredited blood donation program.⁶¹

Abortion

A physician may not perform an abortion on an unmarried youth under age 18 without notice to the youth's parent or

⁵¹ MD. CODE ANN., HEALTH-GEN. § 20-102(a)(1).

⁵² MD. CODE ANN., HEALTH-GEN. § 20-102(a)(2)(There is no distinction between a teenage mother and a teenage father).

⁵³ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(2).

⁵⁴ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(1).

⁵⁵ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(3).

⁵⁶ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(4).

⁵⁷ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(5)(Other than sterilization).

⁵⁸ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(6)-(7).

⁵⁹ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(8).

⁶⁰ MD. CODE ANN., HEALTH-GEN. § 20-102(b).

⁶¹ MD. CODE ANN., HEALTH-GEN. § 20-101(a). Compare, MD. CODE REGS. §10.06.01.06 (H)(1)(a)(requiring parental consent for tattoos and body piercing).

guardian.⁶² Youth under the age of 18 may obtain an abortion without parental notification if the youth does not live with the parent⁶³ and reasonable efforts to notify the parents have been unsuccessful.⁶⁴ Further, if the physician believes that parental notification may lead to physical or emotional abuse of the youth or is not in the youth's best interest, or the youth is mature and capable of giving informed consent, parental notification is not required.⁶⁵

A youth cannot be forced to submit to an abortion over her objection.⁶⁶

Mental Health

Youth who are 16 years old or older can consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic⁶⁷ and may apply for voluntary admission to mental health facility provided that they have been diagnosed with a mental disorder that is susceptible to treatment and they understand the nature of the request.⁶⁸

Any youth, regardless of age, can consent to psychological treatment for alcohol or drug abuse if a doctor or psychologist believes that the youth's life or health would be adversely affected by delaying the treatment to seek consent from the appropriate person.⁶⁹

RIGHT TO REFUSE TREATMENT

A youth's right to consent to treatment for a mental or emotional disorder does not grant a youth the right to refuse treatment for mental or emotional disorder⁷⁰ or drug abuse or alcoholism,⁷¹ if a parent, guardian or custodian has

⁶² MD. CODE ANN., HEALTH-GEN. § 20-103(a).

⁶³ MD. CODE ANN., HEALTH-GEN. § 20-103(b)(1).

⁶⁴ MD. CODE ANN., HEALTH-GEN. § 20-102(b)(2).

⁶⁵ MD. CODE ANN., HEALTH-GEN. § 20-103(c).

⁶⁶ *In re Smith*, 16 Md. App. 209, 295 A.2d 238 (1972).

⁶⁷ MD. CODE ANN., HEALTH-GEN. § 20-102(c)(2).

⁶⁸ MD. CODE ANN., HEALTH-GEN. § 10-609.

⁶⁹ MD. CODE ANN., HEALTH-GEN. § 20-102(d).

⁷⁰ MD. CODE ANN., HEALTH-GEN. § 20-104(2).

⁷¹ MD. CODE ANN., HEALTH-GEN. § 20-102(c-1).

consented to the treatment. A parent or guardian can apply for voluntarily admission of a youth into a mental health institution for treatment if the youth has been diagnosed with a mental disorder that is susceptible to treatment and the admitting doctor agrees to the admission.⁷² A parent or another individual who has a legitimate interest in a youth can seek to have the youth evaluated on an emergency basis⁷³ or involuntarily admitted into a mental health institution.⁷⁴

RIGHT TO

CONFIDENTIALITY

Maryland law allows a youth's attending physician, psychologist⁷⁵, or other medical staff acting on the physician's orders, to give the youth's parent, the parent's spouse, guardian, or custodian information about youth's treatment relating to alcohol, drugs, sexual assault, sexually transmitted diseases, contraception,⁷⁶ or mental health treatment⁷⁷ without a youth's consent or over the youth's express objection. Although the law allows information to be shared with the youth's parents, the law does not require that the treatment providers do so.

A physician may not reveal that a youth has sought advice about obtaining an abortion.⁷⁸

RIGHT TO

OBTAIN MEDICAL

RECORDS

Youth may request and obtain copies of their medical records without the consent of his or her parents for any medical treatment for which they have the authority to consent.⁷⁹ However, the medical provider may charge for the

⁷² MD. CODE ANN., HEALTH-GEN. § 10-610(c)(4)(For admission to state facilities, a physician and psychologist or 2 physicians must consent).

⁷³ MD. CODE ANN., HEALTH-GEN. § 10-620 – 10-630(the youth must have been diagnosed with a mental disorder and present a danger to the life or safety of themselves or someone else).

⁷⁴ MD. CODE ANN., HEALTH-GEN. § 10-613 – 10-619(the youth must have been diagnosed with a mental disorder, be in need of inpatient treatment, present a danger to the life or safety of themselves or someone else, and be unwilling to be admitted on a voluntary basis).

⁷⁵ MD. CODE ANN., HEALTH-GEN § 20-104(b)(2)(if the psychologist is part of a treatment team headed by a physician, the physician decides whether the information will be revealed to the youth's guardian).

⁷⁶ MD. CODE ANN., HEALTH-GEN. § 20-102(f).

⁷⁷ MD. CODE ANN., HEALTH-GEN. § 20-104(b)(1).

⁷⁸ MD. CODE ANN., HEALTH-GEN. § 20-104(a)(1).

⁷⁹ MD. CODE ANN., HEALTH-GEN. §§ 4-301(k)and 4-303.

cost of the medical records and is not required to release the records until payment is made.⁸⁰

*RIGHT TO
AN EDUCATION*

Enrollment and Attendance

The Maryland Constitution establishes a “thorough and efficient System of Free Public Schools.”⁸¹ All children and youth, who are at least 5 years old and under age 21, have the right to enroll in a public school.⁸² This entitlement does not create the right to enroll in the school of the parents’ or guardians’ choice, but rather depends on the local school district’s policy. Many school districts in Maryland have established enrollment policies which allow out-of-county students to enroll in school under certain circumstances,⁸³ however, most students are required to attend the public school that is zoned for that address where they live with a parent, guardian, or relative providing informal kinship care.⁸⁴

With a few limited exceptions, school attendance for all students, 5 years old or older and under age 16, is compulsory⁸⁵ and students may not be suspended or expelled without cause.⁸⁶ Any adult who has legal custody or care and control of a student under the age of 16 must ensure that the student attends school.⁸⁷ The failure to do so is a misdemeanor punishable by fine or incarceration.⁸⁸ Any person who harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.⁸⁹

⁸⁰ MD. CODE ANN., HEALTH-GEN. § 4-304(c)-(d).

⁸¹ MD. CODE ANN., ART. 8 § 1.

⁸² MD. CODE ANN., EDUC. § 7-101(a).

⁸³ MD. CODE ANN., EDUC. § 8-412.

⁸⁴ MD. CODE ANN., EDUC. § 7-101(b)(1). See also, *Elprin v. Howard County Bd. of Educ.*, 1984, 470 A.2d 833, 57 Md. App. 458 (1983) certiorari denied 475 A.2d 1200, 300 Md. 88.

⁸⁵ MD. CODE ANN., EDUC. § 7-301(a)(1).

⁸⁶ MD. CODE ANN., EDUC. § 7-305(pertaining to disciplinary procedures and parents, guardians, or students the right to confer with school officials and appeal disciplinary decisions).

⁸⁷ MD. CODE ANN., EDUC. § 7-301(c).

⁸⁸ MD. CODE ANN., EDUC. § 7-301(e)(2).

⁸⁹ MD. CODE ANN., EDUC. § 7-301(e)(1).

Special Education

The State and each local school system are required to provide a free appropriate public education to each student with a disability.⁹⁰ Schools have an obligation to identify students with disabilities and to provide an appropriate education.⁹¹ Generally, parents or the local school may refer a student for an initial evaluation. If the student is an unaccompanied youth, the school must appoint a parent surrogate for the student.⁹²

Once a student is identified as having a disability, the school must develop an Individual Educational Program (IEP) which must be updated annually.⁹³ Any IEP for a 14 year old or older student must also include a transition plan even if the plan was written before the student turned 14.⁹⁴ The transition plan must have appropriate measurable postsecondary goals relating to training, education, employment, independent living skills and list the services needed to accomplish the goals. Transition services may include instruction, related services, community experiences, living skills, vocational evaluations and employment objectives designed to assist the student with transitioning from school to continuing educational opportunities, employment, adult services, independent living or community participation based on the student's needs, strengths, preferences and interest.⁹⁵

Students with disabilities are entitled to receive an appropriate education and related services from birth through the end of the school year in which the student turns 21.⁹⁶

⁹⁰ MD. CODE ANN., EDUC. § 8-403(a).

⁹¹ MD. CODE ANN., EDUC. §§ 8-401- 8-416); MD. CODE REGS. 13A.05.02.13; 20 U.S.C.A. 1412(a)(3).

⁹² MD. CODE ANN., EDUC. § 8-412(b).

⁹³ MD. CODE ANN., EDUC. § 8-405(b); 20 U.S.C.A. § 1414(d)(4)(A)(i); 34 CFR § 300.324.

⁹⁴ MD. CODE ANN., EDUC. § 21-305(a)(4); MD. CODE REGS. 13A 05.01.09A(3). Federal law sets the age of transition plan as age 16. See 34 CFR § 300.320(b)

⁹⁵ MD. CODE ANN., EDUC. § 21-305(a)(3); 34 C.F.R. § 300.43

⁹⁶ MD. CODE ANN., EDUC. § 8-403(b).

Homeless Students

State and local educational agencies must ensure that homeless youth have access to the same free, appropriate public education as any other student and provide homeless youth with additional protections.⁹⁷ Local school districts may not segregate homeless students from other students.⁹⁸

School choice

Homeless youth have the right to continue to attend their “school of origin” or the public school that nonhomeless students who live in the attendance area are eligible to attend.⁹⁹

The school of origin is the school the student attended before becoming homeless or the last school in which the student was enrolled.¹⁰⁰ The decision of which school the youth should attend must be based on the youth’s best interest and is presumed to be the school of origin unless the youth’s parent disagrees. If a student is sent to a school other than the school of origin or the school requested by the parent, the school district must provide a written explanation of its decision and the right to appeal.¹⁰¹ However, school districts must enroll homeless students in the requested school¹⁰² and provide transportation while the dispute is being resolved.¹⁰³

Immediate Enrollment

When a parent decides it is in the best interest of a homeless student to enroll at the local zoned school, the student has the right to enroll in school immediately even if the student does not have the documentation normally required for enrollment.¹⁰⁴

⁹⁷ 42 U.S.C. § 11431.

⁹⁸ 42 U.S.C. § 11432(e)(3)(A).

⁹⁹ 42 U.S.C.A. § 11432(g)(3)(A).

¹⁰⁰ 42 U.S.C.A. § 11432(g)(3)(G).

¹⁰¹ 42 U.S.C.A. § 11432(g)(3)(B).

¹⁰² 42 U.S.C.A. § 11432(g)(3)(E)(i).

¹⁰³ 42 U.S.C.A. §§ 11432(g)(1)(J)(iii) and (g)(3)(E)(i).

¹⁰⁴ 42 U.S.C.A. § 11432(g)(3)(C).

Transportation

School districts must provide homeless youth with transportation to and from their school of origin.¹⁰⁵ If the student's temporary residence and the school of origin are in the same school district, the school district is required to provide or arrange for transportation. If the student is living outside the school of origin's school district, the school district in which the student is currently living and the school of origin's school district must determine how to share the responsibility and cost of providing transportation. Furthermore, in addition to providing transportation to the school of origin, school districts must provide students in homeless situations with transportation services comparable to those provided to other students. For example, if the school district provides transportation for after school activities, they must do the same for homeless children and youth.¹⁰⁶

Unaccompanied youth

Unaccompanied homeless youth have the same enrollment and transportation rights as other homeless youth and children. Every school district must designate a local homeless education liaison¹⁰⁷ to identify and support unaccompanied homeless youth including helping the homeless youth obtain needed records, access transportation services, choose a school, or exercise appeal rights.¹⁰⁸

Paying for higher education

In order to qualify for federal financial aid and most other financial assistance, students are required to file a Free Application for Federal Student Aid (FAFSA) every year for the upcoming academic school year. The Maryland Higher Education Commission recommends that the FAFSA or renewal be filed between January 1 and March 1 each year to receive the fullest consideration for State grants.

¹⁰⁵ 42 U.S.C.A. § 11432(g)(1)(J)(iii).

¹⁰⁶ 42 U.S.C.A. §11432(g)(4)(A).

¹⁰⁷ 42 U.S.C.A. §11432(g)(1)(J)(ii).

¹⁰⁸ 42 U.S.C.A. §§11432(g)(1), (g)(3)(B) and (g)(3)(E).

With a few exceptions, most youth under the age of 24 are considered “dependent students” and are required to provide their parents’ financial information and signature.

“Independent students” are not required to provide parental information or signatures. A student is considered to be independent if the student is working on a master’s or doctorate program, is married, is supporting a child or other dependent, is a veteran or is serving on active duty, or if both of the student’s parents are deceased or the student is a “ward of the state.” Youth who are in foster care or were in foster care at the time of their 18th birthday are considered “wards of the state.” Financial aid administrators may designate a student as independent if there are “other unusual circumstances.”¹⁰⁹

The College Cost Reduction and Access Act of 2007¹¹⁰ expands the definition of “independent student” to include unaccompanied homeless youth, youth who were in foster care at any time after the age of 13, and youth who are emancipated minors or are in legal guardianships as determined by an appropriate court. This law will go into effect on July 1, 2009 and requires that the unaccompanied youth’s status be verified by a McKinney Vento school liaison, a HUD homeless assistance program designee, a RHYA program designee, or a financial aid administrator.

*RIGHT
TO WORK*

The policy behind Maryland’s statutory scheme addressing youth employment is to provide youth with the opportunity to gain valuable work experience and training while protecting youth from exploitative and hazardous working conditions.

Permits

In general, youth under age 14 are prohibited from working.¹¹¹ Before an employer can hire a youth 14 years

¹⁰⁹ 20 U.S.C.A. §1087vv(d)(1999).

¹¹⁰ College Cost Reduction and Access Act of 2007 (CCRAA), Pub. L. No. 110-84, 121 Stat 784 (2007).

¹¹¹ MD. CODE ANN., LAB. & EMPL. § 2-209. However, regardless of their age, youth can work on a farm, do domestic work in a home, work for their parent’s business, caddy, deliver newspapers, work as a counselor at a summer camp, or instruct on an instructional sailboat without a

old or older, the employer must obtain a work permit for the youth which specifies what work the youth will be doing.¹¹²

Hours

The law specifies when and for how long a youth can work. Youth under age 18 are not allowed to work for more than 5 consecutive hours without a break¹¹³ and may not spend more than 12 hours a day in school and at work.¹¹⁴ Youth under the age of 16 may not work before 7:00 a.m. or after 8:00 p.m., for more than 4 hours or during school hours on a school day.¹¹⁵ Any person who employs a youth who is unlawfully absent from school is guilty of a misdemeanor.¹¹⁶

Work Conditions

Youth are prohibited from working under dangerous conditions including working in blast furnaces, distilleries, on railroads, on commercial vessels or docks, or with electrical wire, cleaning machinery or in the manufacturing of a hazardous substance.¹¹⁷ Youth under the age of 16 are further prohibited from working in construction, with dangerous substances or power-driven machinery, and may not be employed at an airport, a brickyard, a lumberyard, or a manufacturing work site.¹¹⁸ Furthermore, any youth under age 18 may not transport money or other negotiable instruments at night or transport more than \$100.00 during the day.¹¹⁹

permit provided that the work does not involve manufacturing or mining and is performed outside of the youth's school hours. In addition, youth of any age can obtain a special permit to work in the entertainment industry with the consent of a parent or the person standing in the parent's place.

¹¹² MD. CODE ANN., LAB. & EMPL. §§ 3-205 and 3-208.

¹¹³ MD. CODE ANN., LAB. & EMPL. § 3-210(a)(1).

¹¹⁴ MD. CODE ANN., LAB. & EMPL. § 3-210(a)(2).

¹¹⁵ MD. CODE ANN., LAB. & EMPL. § 3-211.

¹¹⁶ MD. CODE ANN., EDUC. § 7-301(e)(1).

¹¹⁷ MD. CODE ANN., LAB. & EMPL. § 3-213(a).

¹¹⁸ MD. CODE ANN., LAB. & EMPL. § 3-213(b).

¹¹⁹ MD. CODE ANN., LAB. & EMPL. § 3-212(however, youth can be employed to deliver items or services and be paid).

Volunteering

Youth may volunteer for non-profit or other charitable organizations with written consent from a parent or other person standing in the place of a parent.¹²⁰

Wages

Youth workers have the same rights as an adult to be paid at least minimum wage, or earn tips and wages that equal the minimum wage.¹²¹ Generally, parents are entitled to the youth's income and services unless the parent has abandoned the youth.¹²²

DRIVER'S LICENSES AND CARS

Youth need written parental consent in order to apply for a learner's permit or driver's license or to title a vehicle.¹²³ If the youth does not have a parent or is married, the youth's employer or another responsible adult can sign the applications,¹²⁴ however, the adult co-signer may be held liable for damages caused by the youth.¹²⁵

¹²⁰ MD. CODE ANN., LAB. & EMPL. § 3-203(4)(ix).

¹²¹ MD. CODE ANN., LAB. & EMPL. §§ 3-413 and 3-419.

¹²² MD. CODE ANN., FAM. LAW § 5-205; see also, *Lucas v. Maryland Drydock Co.*, 182 Md. 54, 31 A.2d 637 (1943).

¹²³ MD. CODE ANN., TRANSP. § 13-104(b)(Certificates of title); MD. CODE ANN., TRANSP. § 16-107(youth's application for driver's license).

¹²⁴ MD. CODE ANN., TRANSP. § 16-107(a)(2). This consent can be withdrawn prior to the youth's 18th birthday. MD. CODE ANN., TRANSP. § 16-108.

¹²⁵ See *Tsoy v. MacFarland*, 219 F.Supp. 220, 223 (1963).

III. PUBLIC BENEFITS

All of the programs discussed here are government-funded programs. The rules for these programs are often intricate and require expertise to interpret. Applicants for any of these programs may be denied even if they are eligible for the services. Denials can occur because the applicant did not provide the right information, could not obtain the right information from service providers unfamiliar with the program rules, because the agency misinterpreted its own policy, or because the agency rule conflicts with state or federal statutes. When an applicant is denied service or services are terminated, the applicant has appeal rights that must be exercised within a short period of time. It is prudent to have any denial or termination of service reviewed by a specialist in the program, such as an attorney. When in doubt, file an appeal within the time limit. An appeal can later be withdrawn if the agency decided the case correctly.

FOOD STAMPS

Determining eligibility for food stamp benefits requires scrutiny of a number of factors; although the general rule is that the income of all household members must be considered to determine eligibility, all people who live under the same roof are not necessarily all household members. Thus, the key to determining eligibility is determining who is in the household.

Generally, children under age 22 living with their parents cannot be a separate household from their parents for food stamp eligibility. Minors under age 18, however, who do not live with a parent or someone else who exerts parental control over the minor, may qualify for food stamp benefits as a one-person household. For example, Ms. G. is 17 years old. She lives with her aunt. Ms. G. works and purchases and prepares her own meals. When questioned about household composition, Ms. G. stated that her aunt does not exercise parental control over her. Ms. G. qualifies for food stamps as a one-person household.¹²⁶

Residents of public or private nonprofit homeless shelters may receive food stamp benefits even if the shelter provides meals.¹²⁷ There is a five-year waiting period for most

¹²⁶ 7 CFR §273.1(b)(iii); Maryland DHR Food Stamp Manual § 100.3(C).

¹²⁷ *Id.* § 100.7(C).

lawful, adult immigrants before they are eligible to receive food stamps. Immigrant minors and certain refugees, victims of severe human trafficking, and asylees are eligible for food stamps without a waiting period.¹²⁸

Some individuals are disqualified from receiving food stamps; for example, individuals convicted of trading food stamps for illegal drugs, firearms, ammunition, or explosives and individuals convicted of trafficking food stamp benefits of \$500 or more. Individuals convicted of drug felonies after August 22, 1996, must comply with substance abuse treatment and services to qualify for food stamp benefits.¹²⁹

Adults, with some exceptions, must participate in a work activity program to qualify for food stamps. Youth between the ages of 16 and 18 years old must either attend school or be enrolled in a training program at least half-time to qualify for food stamps as part of a household.¹³⁰

MEDICAL BENEFITS

Uninsured children and youth up to age 19 and pregnant women of any age may qualify for the Maryland Children's Health Program (MCHP). Income restrictions based on the federal poverty level apply. Medical benefits under MCHP are comprehensive. A youth who is not living with a parent may apply for the program, however, the application must be signed by "an authorized representative" who is 21 years old or older.¹³¹ "Authorized representative" is undefined.¹³²

Uninsured adults may qualify for limited medical benefits under the Primary Adult Care Program (PAC). To qualify, an applicant must be age 19 or older and have limited income and assets. Benefits are limited to outpatient visits to doctors, family planning, low-copay prescriptions, some x-ray and laboratory services, eye exams, and some dental services. The PAC program does not pay for hospital services.

¹²⁸ *Id.* § 120.5; 120.6.

¹²⁹ *Id.* § 100.7(I).

¹³⁰ *Id.* § 130.5(A).

¹³¹ CODE ANN. REGS. 10.09.11.04E(4)(the representative completes and signs the application form.)

¹³² See generally, CODE ANN. REGS. 10.09.11.02.

Some adults qualify for Maryland Medical Assistance (MA). Most adults qualify either because they receive TCA benefits, sometimes referred to as the families and children (FAC) category, or are disabled, elderly, or blind, sometimes referred to as the aged, blind, disabled (ABD) category. For the ABD category, an individual must meet the definition of disability found in Social Security regulations, be age 65 or older, or be severely vision impaired. Anyone receiving SSI benefits automatically qualifies for MA. Income and asset eligibility rules apply. Other groups that may qualify for some form of medical assistance include some refugees, some aliens, adults or children in long-term care. Limited coverage for breast or cervical cancer or AIDS may also be available.

TEMPORARY
CASH
ASSISTANCE
(TCA)

TCA benefits provide cash assistance to eligible families with children. To receive benefits, a young person must qualify as the head of household or be part of an assistance unit in which another qualified adult is the head of the household.

A minor, single parent faces limitations on TCA eligibility that adult single parents do not encounter, which might explain why only five percent of minor mothers receive TCA.¹³³ Minor, single parents must participate in school or in an approved training program beginning when the baby is 12 weeks old. If a minor, single parent attends school or a training program full time, the parent does not have to count the months she receives TCA as part of the lifetime limit until she turns 19. Minor, single parents also must live with a parent, legal guardian, or an adult relative. Where a minor parent must live independently because of an abusive or unsafe environment, DHR may allow an exception to live in another approved home. A minor parent, who cannot live at home may have difficulty getting another living arrangement approved.

Minor parents have the right to apply for TCA on their own, yet many local Departments of Social Services discourage

¹³³ Center for Law and Social Policy, *Opportunities for Congress to Reach Disconnected Youth* 67 (2002). Available online at http://www.clasp.org/publications/Disconnected_Youth.pdf

them from doing so—often by instructing them to return with a parent or another adult.

*CHILD CARE
ASSISTANCE*

The local department of social services can assist individuals with paying for daycare for a young or disabled child. Eligible families are given a voucher to take to a child care provider of their choice. The amount of the voucher is dependent on income. Funds for child care vouchers are quite limited. Priority is given to TCA recipients who are employed, in job training, or in school; former TCA recipients who are employed and lost their TCA due to employment; and other non-TCA recipients who are employed, in job training, or in school. The daycare voucher program is referred to as Purchase of Care or the Child Care Subsidy.

*SUPPLEMENTAL
SECURITY
INCOME (SSI)*

SSI benefits are available to youth who meet the Social Security Administration's definition of disability. Individuals under age 18 are judged by childhood disability standards. These standards focus on medically severe impairments resulting in marked and severe functional limitations expected to result in death or last longer than 12 months. After age 18, an individual's disability is judged by adult disability standards that focus on medically severe impairments that prevent the individual from engaging in substantial gainful activity and expected to result in death or last longer than 12 months. SSI benefits provide a safety net for those individuals who have not worked for a sufficient time to qualify for Social Security disability benefits. Individuals receiving SSI benefits automatically qualify for MA.

*SOCIAL SECURITY
DISABILITY
BENEFITS*

Social Security Disability Benefits are available to anyone who has worked for a sufficient time and earned sufficient income to qualify for benefits (usually 20 of the last 40 quarters of a year). Most young people have not worked enough to qualify for Social Security disability benefits based on their own earnings record, but they may qualify under a

parent's earnings record if the young person's disability began before age 22. The amount of the benefit depends on the amount of Social Security taxes paid on the earnings record. An individual receiving Social Security disability benefits qualifies for Medicare after being disabled for 2 years.

Recipients of SSI or Social Security disability benefits, who are under age 18, must have a representative payee to receive benefits. Recipients of these benefits who are 18 or older also might need a representative payee if the recipient is mentally or physically unable to handle the benefits without the help of another. A representative can be a family member, friend, or other individual who can be relied upon to receive the benefit and give it to the individual or to make payments on the recipient's behalf. Organizations can establish representative payee programs to help individuals without trusted family or friends to receive benefits and pay for the recipient's needs. Benefits must be used for the recipient's current needs for food, clothing, shelter, dental and medical care, and personal items. If there are funds remaining after those needs are met, the funds must be saved or invested for the recipient. Representative payees also have a duty to report important changes in the recipient's outside income and changes in status that affect eligibility for benefits. Representative payees not only receive the recipient's benefits, they also receive notices from the Social Security Administration that affect eligibility for benefits. Therefore, recipients may not be aware of changes in benefits and may lose the opportunity to take corrective action.

Representative payees can be replaced or eliminated. If the recipient believes that the representative payee is not performing her duties appropriately, the recipient can inform the Social Security Administration and ask for the appointment of another representative payee. The recipient can ask the Social Security Administration to investigate whether a misuse of benefits has occurred. The need for a representative payee can be eliminated if the recipient can show that a representative payee is no longer needed by producing a doctor's statement that the recipient's condition has improved and the recipient can manage his own money.

However, this evidence can also be used against the recipient as evidence that the disability no longer exists.

*OTHER
BENEFITS*

Non-disabled youth may be entitled to Social Security benefits upon a parent's earnings record, depending on their situation. "Children's benefits," for instance, can be provided to a child (under 18) of the insured, who is unmarried and dependent on the insured. The child will receive one-half of the amount of the insured benefit if the insured is alive, or three-quarters of the amount if the insured is dead.¹³⁴Dependency is presumed, and does not involve any financial test or examination of living circumstances.¹³⁵

"Spousal benefits" can be paid to a spouse of the insured who has parented a child with the insured and has a child entitled to Children's Benefits" in his/her care.¹³⁶

The Social Security Administration (SSA) has written policies that envision the situations of unaccompanied youth. While a child's benefit claimant and payee usually will be an adult, "A child claimant between the ages of 15 and 17 years old may be considered as a proper applicant if he/she:

- Is not in the care of any person (or institution, in SSI cases); and
- Does not have a court appointed representative (e.g., legal guardian, committee, or other legal representative).¹³⁷

Furthermore, children between 15 and 17 may be paid directly by SSA without the use of adult intermediary when a child is emancipated under state law, or

- Is living alone and is self-supporting; or

¹³⁴ 20 CFR §404.353.

¹³⁵ 20 CFR §§404.350, 404.361.

¹³⁶ 20 CFR 404.330. This can create tension between a parent and child when the child leaves the parent's care. (Divorced spouses and widows also may be eligible for Social Security benefits based on the insured's earnings, but in each case the benefits are not linked to or contingent upon children. 20 CFR §§404.331, 404.335.)

¹³⁷ Program Operations Manual, General (POMS, GN) 00204.003 Proper Applicant.

- Is a parent and filed for his/her own or his/her child's benefits and has had experience handling finances; or
- Is within 7 months of attaining age 18; or
- Has demonstrated the ability to handle finances and no qualified payee is available.¹³⁸

Children under 15, however, will require an adult payee.¹³⁹

HOUSING ASSISTANCE PROGRAMS

There are a number of subsidized housing programs that serve low-income, elderly, or disabled individuals. Each program has general federal requirements but is administered, and subject to regulations and policies, at the local level.

Project-Based Voucher Program

The project-based voucher program is administered by local public housing authorities (PHA) and provides rental subsidies to very low-income families who live in specific housing developments or units.¹⁴⁰ PHA and property owners may screen potential voucher recipients for suitability.¹⁴¹

Housing Choice Voucher

The Housing Choice Voucher Program is administered by local public housing authorities (PHA) and provides rental subsidies to very low-income families for housing in the private market.¹⁴² Voucher recipients are responsible for locating their own housing which must meet program housing quality standards.¹⁴³

¹³⁸ POMS, GN 00502.070, Developing Capability—Children. Benefits also will be paid directly to the child in the unusual cases where children are entitled to disability benefits based on their own earnings, or are on active duty in the armed forces. *Id.*

¹³⁹ POMS, GN 00502.070 Developing Capability – Children.

¹⁴⁰ 24 C.F.R. § 983.5

¹⁴¹ 24 C.F.R. § 983.255

¹⁴² 24 C.F.R. § 982.1 (a)

¹⁴³ 24 C.F.R. § 982.1 (a)

Family Unification Vouchers

The Family Unification Program (FUP) provides housing choice vouchers to families who need safe, decent, affordable housing to prevent their children from entering foster care or to reunite with children already in foster care.¹⁴⁴ FUP vouchers can also be provided for up to 18 months to youth aging out of foster care to help them successfully transition to independence. Local public housing agencies must apply to HUD for an allocation of the vouchers made available and must enter into a memorandum of understanding with a child welfare agency.¹⁴⁵

Shelter Plus Care

The Shelter Plus Care program (S+C)¹⁴⁶ assists individuals who are homeless and have a disability (serious mental illness, chronic problems with alcohol, drugs, or both, or acquired immunodeficiency syndrome (AIDS) and related diseases) and their families¹⁴⁷ The program provides grants to be used for rental assistance for permanent housing and requires, but does not fund, supportive services that are appropriate to the needs of the population to be served.¹⁴⁸ Programs receiving Shelter Plus Care grants can use the grants for tenant-based rental assistance (vouchers), project-based rental assistance, sponsor-based rental assistance, or certain kinds of single room occupancy dwellings.¹⁴⁹

Supportive Housing Program

The Supportive Housing Program (SHP) provides assistance for the development of supportive housing and services for individuals who are homeless.¹⁵⁰ Programs receiving the

¹⁴⁴ 42 U.S.C.A. 1437f(x)(2). According to the Child Welfare League of America, Maryland has received 1,283 FUP vouchers, 100 of which were in Baltimore City. See <http://www.cwla.org/programs/housing/housingaboutpage.htm>.

¹⁴⁵ 42 U.S.C.A. § 1437f(x)(3).

¹⁴⁶ 42 U.S.C.A. § 11403

¹⁴⁷ 24 C.F.R. § 582.1.

¹⁴⁸ 24 C.F.R. § 582.110

¹⁴⁹ 24 C.F.R. § 582.100

¹⁵⁰ 24 C.F.R. § 583.1,

grant may provide transitional housing for up to 24 months,¹⁵¹ permanent housing for individuals who are homeless and disabled,¹⁵² and supportive services, including up to six months of supportive services to former residents of transitional living programs.¹⁵³

Housing Opportunities for Persons With AIDS

The Housing Opportunities for Persons With AIDS program (HOPWA) provides rental assistance and other supportive services for individuals and their families living with AIDS.¹⁵⁴ Programs receiving the grant may provide emergency and transitional housing, shared housing arrangements, community residences, and SROs. Supportive services are provided as part of the housing services.

Eligibility for single individuals.

Individuals may apply for housing as the only member of the household unit. Each local program, however, establishes preferences for certain categories of families and single individuals. Therefore, a non-disabled, non-elderly single individual may be given low priority for available housing. Homelessness, however, is sometimes a preference category that will elevate a single individual's opportunity for available subsidized housing.

Eligibility for minor, heads of household.

Because youth may not have legal authority to enter into a lease, youth may be found ineligible for federally assisted subsidized housing. In order to be eligible for the Project-Based or the Housing Choice voucher program, an individual must have legal capacity to enter into a lease in accordance with state and local law.¹⁵⁵ Case law on the enforceability of a public housing lease with a minor reaches no definitive guidance. Some courts have held that public housing is not

¹⁵¹ 24 C.F.R. § 583.300(J). The length of stay can be extended, although assistance can be terminated if over half of the program's participants remain in the program over 24 months.

¹⁵² 24 C.F.R. § 583.1(b)(2).

¹⁵³ 24 C.F.R. § 583.120

¹⁵⁴ 42 U.S.C.A. § 12904

¹⁵⁵ See, 24 CFR § 982.308(a) and 24 CFR 983.256(a).

a necessity and that a lease with a minor is not enforceable. Other courts have reached the opposite conclusion.¹⁵⁶ Some public housing authorities have developed policies that allow leasing to minors with a cosigner. The Housing Authority of Baltimore City, however, expressly limits eligibility to individuals 18 years old or older or emancipated minors.¹⁵⁷

Eligibility of students.

Student eligibility for federally subsidized housing has narrowed. If a student is applying as the head of household, the student must be of legal age under state law, have had a household separate from parents or guardians for at least one year prior to occupancy, must not be claimed as a dependant on the parent's or guardian's taxes, and may receive no financial assistance from parents. Some types of a student's financial aid may be counted as income and be used to determine eligibility and the tenant's rental share. For example, the portion of athletic scholarships that is considered as housing support is countable income.¹⁵⁸

Citizenship or eligible immigration status.

Most federally assisted, subsidized housing, is only available to U.S. citizens or nationals and noncitizens who have eligible immigration status.¹⁵⁹

Waiting lists.

PHA must maintain waiting lists for the housing programs or developments it administers.¹⁶⁰ Individuals seeking to get on waiting lists should insure that they are put on the list for all housing programs or developments that they are interested

¹⁵⁶ Compare *Riviera v. Reading Housing Authority*, 819 F. Supp. 1323 (E.D. Pa. 1993) *aff'd sub nom Rodriguez v. Reading Housing Authority*, 8 F.3d 961 (C.A. 3 Pa. 1993) with *Cateret Housing Authority v. Gilbert*, 693 A.2d 995 (N.J. 1997).

¹⁵⁷ Housing Authority of Baltimore City (HABC), Baltimore Housing, Public Housing Information Guide, June 2006, at p. 4. Available at http://www.baltimorehousing.org/index/ps_public.asp; see also, Administrative Plan for the Housing Choice Voucher Program, MTW Draft (August 10, 2005), Chapter 2, Eligibility for Admission.

¹⁵⁸ 24 C.F.R. § 5.612.

¹⁵⁹ 24 C.F.R. § 5.06(a).

¹⁶⁰ See generally, 24 C.F.R. § 982.204-207 and 24 C.F.R. § 983.251

in. Waiting lists are periodically purged of applicants who cannot be located. Therefore, it is extremely important for the head of household for the family to update the local housing agency of any change in address. Keeping a copy of applications, notices from the local housing authority, and proof of notice of change of address is advisable should the family be removed from the waiting list improperly. Sometimes waiting lists are closed.¹⁶¹ There are procedural requirements before closing a waiting list as well as reopening waiting lists.¹⁶² An individual may apply for housing in any jurisdiction, not just the current jurisdiction of residence. Residency may not be a requirement for subsidized housing, but it may be a preference adopted by the subsidized housing agency.

SOCIAL SERVICES

Besides programs that focus on children, there are several adult programs that could provide services to homeless youth age 18 or over. These include the Department of Human Resource programs for adults and families; the Department of Education's rehabilitation program (DORS) that provides career counseling, employment skill training, job placement, supported employment, and assisted technology or other support services to help disabled individuals obtain employment; and the Department of Health and Mental Hygiene's residential and community support services for the developmentally disabled (DDA) and mentally ill.

¹⁶¹ Baltimore City's waiting list is currently closed. Housing Authority of Baltimore City (HABC), Baltimore Housing, Housing Choice Voucher (Section 8) Program Information Guide, June 2006, at p.4. Available at http://www.baltimorehousing.org/index/ps_section8.asp. HABC is continuing to accept applications from families who have been displaced due to natural disasters or public action, are currently in a HABC unit and requesting a reasonable accommodation for a disabled family member, and families with disabilities. Id.

¹⁶² 24 C.F.R. § 982.206

IV. HOUSING UNACCOMPANIED YOUTH

CONSIDERATIONS FOR HOUSING UNACCOMPANIED YOUTH

Licensing requirements

In general, an individual must be licensed by the Social Services Administration (SSA) as a child care home before that individual may exercise care, custody, or control of an unrelated youth under the age of 18.¹⁶³

Parents can allow an unlicensed person to care for their child temporarily¹⁶⁴, provided that person is not required to be licensed for some other reason and is old enough to provide care.¹⁶⁵

The licensing requirement does not apply to relatives caring for youth provided that the relative is related to the youth within five degrees of consanguinity.¹⁶⁶ However, if the youth is alleged to be or has been found delinquent or in need of supervision, the law requires that the relative be within four degrees of consanguinity.¹⁶⁷

A license is also required to operate a residential program or institution for youth under the age of 18.¹⁶⁸ Maryland law defines residential child care program as a program that provides “24-hour per day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and

¹⁶³ MD. CODE ANN., FAM. LAW § 5-508.

¹⁶⁴ Temporary care is not defined by Maryland statute or case law.

¹⁶⁵ Pursuant to MD. CODE ANN., FAM. LAW § 5-801, children under the age of 8 may not be left alone and must be supervised by someone at least 13 years old.

¹⁶⁶ MD. CODE ANN., FAM. LAW § 5-508. Degrees of consanguinity are calculated according to the civil law method of beginning with either of the persons in question, ascending to the common ancestor, and then descending to the other person. Each step is counted as a degree. MD. CODE ANN., EST. & TRUSTS § 1-203.

¹⁶⁷ MD. CODE ANN., HUM. SERV. § 9-235.

¹⁶⁸ MD. CODE ANN., HUM. SERV. § 9-236 (addressing delinquent and CINS youth)

activities.”¹⁶⁹ Operating a residential child care program without a license is a misdemeanor, subject to \$1,000 per day fine.¹⁷⁰ Furthermore, any agency purporting to provide shelter services to youth is required to notify the youth’s parents within 24 hours or seek custody of the youth.¹⁷¹

Reporting Requirements

Any individual in Maryland who has reason to believe that a youth under age 18 has been abused¹⁷² or neglected¹⁷³ is obligated to make a report to the appropriate agency.¹⁷⁴ In addition, Maryland law specifically requires health practitioners, police officers, educators or human service workers,¹⁷⁵ to file a report if they suspect that a youth is being abused or neglected.¹⁷⁶ The knowing failure to report child abuse may result in the denial, suspension or termination of the professionals’ license, certification or other reprimand.¹⁷⁷

Although a parent’s failure to provide shelter under circumstances that the youth’s health or welfare is harmed or placed at substantial risk of harm may constitute neglect and require that a report be made to the local department, one should not assume that every homeless youth has been abused or neglected.

¹⁶⁹ MD. CODE ANN., HUM. SERV. § 8-101(m)(1).

¹⁷⁰ MD. CODE ANN., HUM. SERV. § 8-710.

¹⁷¹ MD. CODE REGS. 14.31.07.09

¹⁷² If abuse is suspected, the report can be made to the local department of social services or the appropriate law enforcement agency

¹⁷³ If neglect is suspected, the report must be made to the local department of social services.

¹⁷⁴ MD. CODE ANN., FAM. LAW § 5-705. See also, 80 Op. Atty. Gen. No. 95-032, Aug. 4, 1995(stating that this is an affirmative and unqualified obligation).

¹⁷⁵ Educators or human service workers include any professional employee (teacher, counselor, social worker, caseworker or probation or parole office) of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

¹⁷⁶ MD. CODE ANN., FAM. LAW § 5-704.

¹⁷⁷For health practitioners, see generally MD. CODE ANN., HEALTH OCC. § 8-316 (nurses), §3-5A-09 (massage therapists), § 11-313(optometrists), § 14-404 (physicians), § 14-5A-17(respiratory care practitioners). For police officers, see MD. CODE ANN., PUB. SAFETY § 3-212. For educators, see MD. CODE ANN., EDUC. § 6-202. For social workers, see MD. CODE ANN., HEALTH OCC. § 19-311.

Harboring runaways

Maryland law does not have a specific statutory provision that addresses housing or harboring runaway youth; however, there are a number of laws and legal doctrines that may affect those who assist unaccompanied youth.

Custodial disputes and relatives

Maryland law expressly prohibits relatives from knowingly taking a youth 15 years old or younger away from the lawful custodian. If a relative is legally caring for a youth, the relative must return the youth within 48 hours after the lawful custodian demands that the child be returned. Further, a relative may not harbor or hide a youth if the relative knows that possession was obtained illegally.¹⁷⁸

Criminal kidnapping

The crime of child kidnapping applies to youth under 16 years old.¹⁷⁹ It is a felony to forcibly abduct a child under the age of 12 years or to, by force or fraud, take a child under the age of 16 years.¹⁸⁰ A person also commits child kidnapping if he or she entices or persuades a child under the age of 12 years from the custody and control of the child's parent or knowingly hides or harbors a child under the age of 12 years with the intent of depriving the child's parent of the custody, care, and control of the child.¹⁸¹

Parental interference

Recent case law makes it clear that Maryland recognizes the tort of “intentional interference with the parent child relationship as a contemporary expression encompassing actions for abduction, enticement, harboring, and secreting of a minor child from the parent having legal custody.”¹⁸²

¹⁷⁸ MD. CODE ANN., FAM. LAW § 9-304.

¹⁷⁹ MD. CODE ANN., CRIM. LAW § 3-503(a)(1) & (2).

¹⁸⁰ Compare with MD. CODE ANN., FAM. LAW § 9-402 which considers whether a child is under 14 years old as one factor used to determine what action a law enforcement agency must take when a missing child report is filed

¹⁸¹ MD. CODE ANN., CRIM. LAW § 3-503.

¹⁸² *Khalifa v. Shannon*, 404 Md. 107, 123, 945 A.2d 1244, 1253 (2008).

The tort of abduction is the “unlawful taking or detention by force, fraud, or persuasion” of a youth from the “possession, custody, or control of the person legally entitled thereto.”¹⁸³ The tort of harboring is “to receive, clandestinely or without [legal] authority, a person for the purpose of so concealing him, that another having the right to the [legal] custody of such persons shall be deprived thereof[.]”¹⁸⁴

An individual who knows that a child has left home without parental consent and induces the child not to return home is subject to liability to the child’s parent.¹⁸⁵ In general, the motive of the individual harboring the youth is immaterial although an individual would not be liable for rescuing a youth from physical abuse as long as it reasonably probable that the youth would be at risk of immediate harm if the youth were to return home.¹⁸⁶ An individual who merely provides shelter and sustenance is not subject to liability; however, one may be subject to liability for offering the youth employment or otherwise inducing the youth to not return home.¹⁸⁷

YOUTH OPTIONS

Informal arrangements

There are many situations where children live with relatives or other individuals in informal arrangements. Under Maryland law, parents can allow their child under age 18 to temporarily reside with another adult or a relative who is willing and able to provide the child with appropriate care and attention.¹⁸⁸ “Temporarily” is not defined by regulation, statute or case law. Parents may actively seek such an arrangement because of family circumstances or they may simply acquiesce when their child stays with someone else.

In some situations, these informal arrangements work very well for all involved; in others, the arrangements are tenuous

¹⁸³ Id . at 122-123, 1253.

¹⁸⁴ Id .

¹⁸⁵ Restatement (Second) of Torts § 700 (1977), Division 8. Interference In Domestic Relations, Chapter 33. Relation Of Parent And Child, Topic 1. Direct Interference With Relation.

¹⁸⁶ Id. at comment (e)

¹⁸⁷ Id. at comment (a).

¹⁸⁸ MD. CODE ANN., FAM. LAW § 5-508.

at best. In 2001, Maryland enacted two key provisions that assist relatives caring for youth in informal kinship care settings due to a serious family hardship.¹⁸⁹ Under these laws, informal kinship caregivers can enroll the youth in their care in school and can obtain medical care by signing an affidavit. However, non-relative caregivers and relatives who do not fit within the informal kinship caregiver definition may have significant difficulties accessing medical, educational and other services for the youth. Despite the informality of these situations, parents are still legally required to ensure that their child's needs are being met and may be required to pay child support. Further, parents may lose public benefits if the youth's absence from the home is noticed by the local department—a likely outcome if the informal caregiver attempts to obtain child support or other benefits for the child.

Existing Custody Order

If there is an existing custody order, youth 16 years old or older can file a petition to change the custody order. This provision contemplates changing custody between fit parents and allows youth to file the petition without a guardian or next friend. Once a petition is filed, the court must hold a hearing and may change the custody order from the one parent to the other.¹⁹⁰

Protective Orders

In Maryland, victims of abuse, including youth,¹⁹¹ may file for a protective order.¹⁹² If the court reasonably believes that a child has been abused, the court is required to notify the local department.¹⁹³ Upon notification by the court, the local department is required to investigate the abuse and submit a

¹⁸⁹ See MD. CODE ANN., EDUC. § 7-101(c) and MD. CODE ANN., HEALTH-GEN. § 20-105(a)(2). Serious hardship is narrowly defined: Death, serious illness, drug addiction, incarceration, abandonment by or assignment to active military duty of a parent or legal guardian of the child

¹⁹⁰ MD. CODE ANN., FAM. LAW § 9-103

¹⁹¹ MD. CODE ANN., FAM. LAW § 4-501(L)(4)(defining a person eligible for relief as a child or stepchild of the alleged abuser or victim who resides or resided with the alleged abuser or victim for at least 90 days within 1 year before the filing of the petition).

¹⁹² MD. CODE ANN., FAM. LAW § 4-504.

¹⁹³ MD. CODE ANN., FAM. LAW § 4-505(e)(1).

report of its findings to the court.¹⁹⁴ If the court grants the protective order, the court can change custody and order child support.¹⁹⁵

Third Party Custody

Any individual over the age of 18 may petition a court for custody of a youth under the age of 18. However, in the absence of parental consent, the court must find that the youth's parents are unfit or that there are exceptional circumstances that make it in the youth's best interest to be placed in the care and custody of third party. The individual seeking to take custody away from the parents has to prove that the parents are unfit or that other exceptional circumstances exist.¹⁹⁶

Emancipation

Unlike some other states, Maryland does not have a simple procedure or statute for emancipation. Youth under age 18 are under the natural guardianship of both of their living parents and parents have a duty to support their minor children.

In Maryland, a minor cannot self-emancipate. Emancipation may occur, however, by agreement of the parent, express or implied. Emancipation may be partial or conditional, that is, for a limited period of time or for a particular purpose. Where there is a complete severance of all parental rights and duties toward a minor, emancipation is absolute. A parent may forfeit their parental rights by abandoning or mistreating the minor child. Emancipation is never presumed and must be proved by the person alleging a minor is emancipated.¹⁹⁷

The ambiguity of emancipation causes difficulties for unaccompanied youth. If a minor lives apart from parents,

¹⁹⁴ MD. CODE ANN., FAM. LAW § 4-505(e)(2).

¹⁹⁵ MD. CODE ANN., FAM. LAW § 4-506(d)(7) and (d)(9).

¹⁹⁶ *McDermott v. Dougherty*, 385 Md. 320, 4118, 869 A.2d 751, 808 (2005).

¹⁹⁷ *Holly v. Maryland Automobile Insurance Fund*, 29 Md. App. 498, 349 A.2d 670 (1975), citing *Parker v. Parker*, 230 S.C. 98, 94 S.E.2d 12 (1956). See also *Lucas v. Maryland Drydock, Co*, 182 Md. 54, 31 A.2d 637 (1943); *Malone v. Topfer*, 125 Md. 157, 93 A. 397 (1915); *Greenwood v. Greenwood*, 28 Md. 369 (1868).

the minor could be deemed emancipated. In that case, the parent would no longer have a duty to support the minor, and the minor could exercise the rights of an adult. However, it is hard for a minor to enforce those adult rights because landlords, health providers, and sellers of goods and services risk the minor's later claim of the protection of minority or the parent's assertion of authority to consent to medical treatment, for example. If a minor lives apart from parents, but is not deemed emancipated, the parent still has a duty to support the minor. The minor, however, has no statutory right to petition for support from the parent. The parent thereby gets a free pass and can avoid parental duties to the child; the minor gets nothing in return. Moreover, if the minor is not deemed emancipated, the parent can demand the minor's return at any time. Parents can pull the strings, leaving the minor with an uncertain and unsupported future.

Emancipation by Marriage or Military

Marriage is viewed as emancipating a minor¹⁹⁸, but minors can marry without parental consent only in limited circumstances. No one under the age of 15 can marry, even if the parent would consent to the marriage. Individuals who are age 15 can marry with the consent of a parent or guardian and certification that the female partner is pregnant or has given birth to a child. Individuals aged 16 or 17 may marry with the consent of a parent or guardian or, without parental consent, if a physician certifies that the female partner is pregnant or has given birth to a child.¹⁹⁹

Entering the military is not automatically an act of emancipation, but depends on the specific facts of the case.²⁰⁰ In order to enlist, youth under the age of 18 need parental permission.²⁰¹

¹⁹⁸ 25 Am. Jur. 2d, *Domicil*, § 45.

¹⁹⁹ MD. ANN. CODE, FAM. LAW. § 2-301.

²⁰⁰ *Bradford v. Futrell*, 171 A.2d 493, 225 Md. 512 (1961).

²⁰¹ 10 U.S.C.A. § 505(a).

V. STATE SYSTEMS: FOSTER CARE & DELINQUENCY

FOSTER CARE

Reports of Abuse or Neglect

When a local department of social services or law enforcement agency receives a report alleging that a youth is being abused or neglected, the appropriate agency²⁰² is required to promptly and thoroughly investigate the report.²⁰³

CINA Petitions

In almost all cases, the local department of social services will file a CINA petition after a report of abuse or neglect has been investigated and the investigation determines that it would be contrary to the child's welfare to remain in the home.²⁰⁴ If the investigation determines that the child is in serious, immediate danger and there is no parent or other appropriate person to provide supervision, the local department may remove the child from the home subject to approval by the Juvenile Court the next court day.²⁰⁵ A CINA petition can only be filed if the youth is under age 18. However, once the court has assumed jurisdiction, jurisdiction may continue until the youth reaches the age of 21.²⁰⁶

If the local department determines that filing a CINA petition is not in the youth's best interest, the department, within 5 days of the decision, is required to notify the youth (over age 10) who would have been the subject of the petition; the parent, guardian, or custodian of the youth; and any person or agency that requested a petition be filed. Although there is an appeal procedure which would ultimately allow someone other than the local department to file a CINA petition, the process is arduous and time consuming and depends on the local department actually providing the required notice.

²⁰² In cases of suspected abuse, the local department or the appropriate law enforcement agency, or both, performs the investigation. The local department investigates neglect cases.

²⁰³ MD. CODE ANN., FAM. LAW § 5-706(a),(b) and (c).

²⁰⁴ MD. CODE ANN., FAM. LAW. § 5-525(a)(1).

²⁰⁵ *Id.* § 5-709(a). *See also* MD. CODE ANN., CTS. & JUD. PROC. § 3-815.

²⁰⁶ MD. CODE ANN., CTS. & JUD. PROC. § 3-804.

Within 15 days of receiving notice that a CINA petition is not going to be filed, the person or agency who requested the filing of a CINA petition may ask the Secretary of the Department of Human Resources (DHR) to review the case. The Secretary of DHR has 15 days to conduct a review and may order the local department to file a petition within 5 days. It is only if the Secretary refuses to require the local department to file a CINA petition, that the person or agency that filed the complaint can file a CINA petition.²⁰⁷

Shelter Care

Once a CINA petition is filed, the court must hold a “shelter” or “emergency” hearing to determine if the local department made reasonable efforts to prevent the youth from being removed and to decide what placement is in the youth’s best interest.²⁰⁸ The local department, the youth, and the youth’s parents or guardian are parties to the case. The parents or guardians are entitled to be represented by an attorney. If they are low-income, they may qualify for free representation through the office of the public defender. All children and youth are appointed an attorney.

At the shelter care hearing, the court can (1) order the department to continue to provide shelter care, (2) grant a relative or other individual temporary custody, or (3) return the youth home. The court can place conditions on its orders including requiring that the department place the youth with a relative or provide specific services.²⁰⁹

CINA determination

Federal and state law require that the adjudication and disposition hearings take place within 30 days of the shelter hearing unless there is a good reason to extend the shelter order for another 30 days.²¹⁰

The adjudication and disposition hearings are usually held together on the same day. During the adjudication hearing,

²⁰⁷ MD. CODE ANN., CTS. & JUD. PROC. § 3-809.

²⁰⁸ MD. CODE ANN., CTS. & JUD. PROC. § 3-815.

²⁰⁹ *Id.*

²¹⁰ *Id.*

the court determines whether the facts alleged in the CINA petition are true.²¹¹ Then during the disposition hearing, the court determines whether the youth is CINA and what assistance the youth and the family need.²¹²

If the court finds that a youth is not CINA, the court can grant custody to a fit parent before closing the case.²¹³ If the youth is found CINA, the court can (1) take no action (2) place the youth in foster care, (3) grant custody and guardianship to a relative or another individual, or (4) return the youth home under certain conditions.²¹⁴ If the court grants custody to a relative or individual or returns the youth to his or home, the court may schedule further hearings to monitor the youth's well-being, although the court could also close the case.

Foster Care Placements

If the youth is placed in foster care, the local department can place the youth in a number of different "out-of-home" settings. A youth's placement should be based on the youth's specific needs, consistent with any court orders, and in the least restrictive setting.²¹⁵ Placement options include: kinship care; foster homes and treatment foster homes; group homes and treatment group homes; independent living programs; residential treatment care including residential treatment centers (RTC), diagnostic centers, and shelters; or semi-independent living arrangements (SILA).

*Kinship care*²¹⁶ Relatives providing care for a youth in the local department's custody. The relative is required to be within 5 degrees of consanguinity and at least 21 years old but does not need to be licensed as a foster parent. However, kinship caregivers can become licensed as foster parents.

²¹¹ MD. CODE ANN., CTS. & JUD. PROC. § 3-817

²¹² MD. CODE ANN., CTS. & JUD. PROC. § 3-819.

²¹³ MD. CODE ANN., CTS. & JUD. PROC. § 3-819(e).

²¹⁴ MD. CODE ANN., CTS. & JUD. PROC. § 3-819(b)(1)(iii).

²¹⁵ MD. CODE REGS. 07.02.11.11

²¹⁶ MD. CODE ANN., FAM. LAW § 5-501(i); MD. CODE REGS. 07.02.09.00 et al.

Foster homes
§ treatment
foster homes ²¹⁷

Family settings with one or two foster parents. Regular foster homes are licensed by the state and receive a modest monthly stipend to meet the youth's needs. In treatment foster homes, the foster parents receive specialized training and are usually supported by a treatment foster care agency and case manager. The treatment foster agency is licensed by the state, licenses its own foster families, and provides case management. Treatment foster families receive stipends that are significantly higher than regular foster homes and vary depending on the agencies' contracts with the state and the youth's needs.

Group Homes²¹⁸

Licensed facilities providing continuous 24-hour care and supportive services for multiple, unrelated children. Unlike orphanages of the past, most of Maryland's group homes care for less than 10 youth at any one time.

Independent Living
Programs²¹⁹

Youth usually reside in supervised, and often shared, apartments funded and supported by the IL program and a case manager. IL programs are licensed by the state. Local departments are also able to approve *Semi-Independent Living Arrangements (SILA)*. ²²⁰ The SILA programs allows youth to live in a variety of places including school dorms, apartments, boarder arrangements, or any other living arrangement approved by the

²¹⁷ MD. CODE ANN., FAM. LAW § 5-501(g); MD. CODE REGS. 07.02.21.00 et al.

²¹⁸ MD. CODE ANN., FAM. LAW § 5-501 (h); MD. CODE REGS. 14.31.05.00 & 14.31.06.00 et al.

²¹⁹ MD. CODE REGS. 07.02.10.00 et al.

²²⁰ MD. CODE REGS. 07.02.10.10

local department. Both SILA and IL programs are discussed in greater detail below.

*Residential
treatment care*²²¹

A licensed facility that provides continuous 24-hour care and supportive services, including formal programs of basic care, social work, and health care services, for youth including residential treatment centers, diagnostic centers and shelters.

Permanency Planning

If the youth is placed in the state’s custody, the court must hold a permanency planning hearing within 11 months of the date the youth entered an “out-of-home” placement in order to develop a permanency plan—a long term goal—for the youth.²²²

Prior to the initial permanency planning hearing, the department is required to make reasonable efforts to reunify the family. These efforts should be directed at remedying the circumstances that led the youth’s entry into care so that the youth can return home safely and should be based on the specific needs and circumstances of the youth and the family.²²³

At the permanency planning hearing, the court must chose which permanency plan would be in the youth’s best interest. Under federal and state law, the permitted permanency plans in descending order of priority include:

- (1) Reunification with the parent or guardian;
 - (2) Placement with a relative for adoption or custody and guardian;
 - (3) Adoption by a non-relative;
 - (4) Custody and Guardianship by a non-relative;
- or

²²¹ MD. CODE ANN., FAM. LAW § 5-501(o).

²²² MD. CODE ANN., CTS. & JUD. PROC. § 3-823(b)(1).

²²³ MD. CODE ANN., FAM. LAW §§ 5-524 and 5-525(d)(1).

(5) Another planned permanent living arrangement (APPLA) that addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs. The plan must include goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life and if the youth is 16 years old or older, the plan must determine the services needed to assist the child to make the transition from placement to independent living.²²⁴

The court's decision must be based on what is best for the youth by considering a variety of factors including how long the youth has lived in his or her current placement, the youth's bond with the parents and the current caregiver, the risk of harm if the child were to be moved to another placement and the harm of remaining in state custody for an extended period.²²⁵

At each hearing, the court must determine whether the efforts made by the local department since the last hearing were reasonably likely to finalize the permanency plan in effect for the child and meet child's needs, including the child's health, education, safety, and preparation for independence.²²⁶

If the court orders a permanency plan of relative placement for adoption or adoption by a non-relative, the local department will generally seek to terminate parental rights.²²⁷

Independent Living Services

Enacted in 1999, the federal John H. Chafee Foster Care Independence Program (Chafee) provides states with more flexibility and funding to establish programs designed to

²²⁴ MD. CODE ANN., CTS. & JUD. PROC. § 3-823(e)(1).

²²⁵ MD. CODE ANN., FAM. LAW § 5-525(e)(1)

²²⁶ See generally, MD. CODE ANN., CTS. AND JUD. PROC., § 3-816.1(b)(2) and (c).

²²⁷ MD. CODE ANN., CTS. & JUD. PROC. § 3-823(g)(requiring the court to order the local department to file for TPR when the plan is changed to adoption by a non-relative).

facilitate the transition of youth from foster care to independent living.²²⁸ Under Chafee, states are able to provide independent living and aftercare services to youth who are likely to remain in care until age 18 and those who have aged out of care until age 21, regardless of their eligibility for Title IV-E funding.²²⁹ A portion of the funds must be set aside to provide aftercare services for youth 18-21 and up to 30% of a state's Chafee allotment can be used to provide room and board.²³⁰ In 2003, additional funding was specifically ear-marked for post-secondary education and training vouchers (ETV) for youth eligible for Chafee funds.²³¹ Both the Chafee and ETV allocation are based on the number of Title IV-E eligible youth in foster care. The table below shows Maryland's allocations.

Fiscal Year	Chafee Allocation	ETV Allocation
2002	\$ 3,098,972	n/a
2003	\$ 2,998,630	\$ 912,727
2004	\$ 3,048,143 ²³²	\$ 994,722
2005	\$ 2,962,870 ²³³	\$ 1,012,491 ²³⁴
2006	\$ 2,856,235	\$ 975,653
2007	\$ 2,805,081	\$ 961,885

Maryland's Independent Living Preparation Program

Maryland's IL program strives to promote self-sufficiency and responsible living. All foster youth age 14 and older who are expected to remain in foster care until at least age 18 are eligible to receive independent living services regardless of

²²⁸ 42 U.S.C.A. § 677.

²²⁹ 42 U.S.C.A. § 677(a)(1) and (b)(3)(A).

²³⁰ 42 U.S.C.A. § 677(b)(3)(B). Maryland spent \$16, 336 (0.6%) and \$25, 721 (0.6%) of its Chafee funds on room and board in FY 2004 and FY 2005, respectively. *Maryland Department of Human Resources, Child and Family Services Plan, 2006 Annual Progress and Services Report, Title IV-B Plan*, (DHR 2006 Annual Progress and Services Report), *Maryland Department of Human Resources, Child and Family Services Plan, 2007 Annual Progress and Services Report, Title IV-B Plan*, (DHR 2007 Annual Progress and Services Report).

²³¹ 42 U.S.C.A. § 677(a)(6).

²³² In 2004, Maryland returned \$ 412,633 in Chafee funds and \$447,846 in ETV funds to the U.S. Treasury.

²³³ According to the DHR 2007 Annual Progress and Services Report, Maryland spent \$3,703,588 in Chafee FY 2005 funds.

²³⁴ According to the DHR 2007 Annual Progress and Services Report, \$876,163 of ETV FY 2005 funds were spent.

their permanency plan or placement. Any youth who was in foster care until age 18 is entitled to receive aftercare services until age 21.²³⁵

Independent living and aftercare services include identification of any vocational or educational needs, providing assistance to identify and access community resources and develop a support network, as well as teaching youth basic living skills and providing support for a Semi-Independent Living Arrangement (SILA).²³⁶ All youth participating in the IL program should have a service agreement that explains the service goals of the Independent Living Preparation Program, the tasks required to meet the service goals, who is responsible for completion of tasks, and the time frame for completion of the tasks. If the youth is participating in the SILA program, the service agreement must also explain the financing for the arrangement.

In a SILA, youth live in an approved setting²³⁷ and receive a monthly stipend to cover living expenses.²³⁸ In order to participate in a SILA, a youth must be 16 through 20 years old, have a goal of independent living, be sufficiently mature, have a demonstrated ability to manage money, be enrolled in and regularly attending school or vocational training, be working at least part-time,²³⁹ agree to a service agreement, need help transitioning to self-sufficiency and be able to contribute to the cost of the SILA.²⁴⁰ Youth with disabilities who are unable to meet the eligibility requirements may be able to participate in the program provided that the youth's case plan documents how the youth's needs will be accommodated.

²³⁵ MD. CODE REGS. 07.02.10.03

²³⁶ MD. CODE REGS. 07.02.10.00 et al.

²³⁷ MD. CODE REGS. 07.02.10.02(B)(19)(Approved placements include apartments, boarder arrangement, or other approved living arrangements. The local department may not approve transient or emergency shelters and may not allow the youth to live with someone with whom they have a conjugal relationship).

²³⁸ The SILA stipend is a maximum of \$450.00 a month and may be decreased based on the youth's income. MD. CODE REGS. 07.02.10.13A

²³⁹ The department may not subsidize the cost of care beyond the first 6 months of employment for a youth employed full time unless authorized by the local director. 07.02.10.14

²⁴⁰ MD. CODE REGS. 07.02.10.10

Educational Assistance for Current and Former Foster Youth

Tuition Fee Waiver

The tuition fee waiver is a waiver of tuition and mandatory fees at public institutions of higher education in Maryland AFTER all other forms of financial aid has been applied.²⁴¹ The waiver does not cover room and board. There is no application process for the tuition fee waiver but eligible youth must complete a FAFSA by March 1 of each year for the upcoming academic school year and tell the financial aid officer that he or she is eligible for the waiver. Each year, DHR creates lists of the youth who are eligible for the tuition waiver; there are separate lists for each county and for students who have been adopted, are in kinship care, and are in foster care.

In order to be eligible to receive the waiver, youth must have been (1) in an out-of-home placement (foster home, group home, independent living placement, kinship care home or RTC) when he or she graduated from high school or obtained a GED or (2) in an out-of-home placement on their 14th birthday and adopted out of Maryland's foster care system after age 14. Youth must be participating in the waiver program before age 21. Once participating, youth are eligible up until age 25 or completion of the first degree, whichever comes first. In addition, all federal financial aid eligibility requirements apply to the waiver. If a youth is not eligible for federal financial aid, the youth will not be eligible for the waiver.

Educational Training Vouchers

The ETV program provides a grant of up to \$5,000.00 annually for eligible students based on the student's school related expenses including tuition, outstanding school bills, student loans, books, computers and printers, and summer school.²⁴² If the student's ETV funds have not been exhausted, the ETV funds may be used to pay for living expenses, health insurance, food and transportation. The

²⁴¹ MD. CODE ANN., EDUC. § 15-106.1.

²⁴² 42 U.S.C.A. § 677(i)(4).

ETV is not an entitlement and funds are expended on a first come, first serve basis.²⁴³

Eligible students include youth who (1) were in foster care on their 18th birthday and aged out at that time, (2) are in foster care with the expectation that the youth's foster care case will close between the ages of 18-21, or (3) were adopted from foster care after the youth's 16th birthday.²⁴⁴ Students must apply on-line at www.statevouchers.org and may re-apply for the ETV each year until age 23.²⁴⁵

JUVENILE JUSTICE

Intake

Any person, agency or police office who has information that a youth is delinquent may file a complaint with an intake office for the Department of Juvenile Services (DJS).²⁴⁶ After receiving the complaint, the intake worker must decide within 25 days whether judicial action is in the best interests of the public and the youth, the youth's family, the victim, and the arresting officer after considering the seriousness of the offense, prior history of complaints, and home and school environments.²⁴⁷ If the offense the youth has been accused of is serious enough, the youth may be charged as an adult.²⁴⁸

After reviewing the case, the intake worker can:

- Propose an informal adjustment of the matter;
- Authorize the filing of a petition or a peace order request or both; or
- Refuse authorization to file a petition or a peace order request or both²⁴⁹

²⁴³ The ETV fiscal year runs from October 1 through September 30 each year.

²⁴⁴ 42 U.S.C.A. § 677(i)(2)

²⁴⁵ 42 U.S.C.A. § 677(i)(3)

²⁴⁶ MD. CODE ANN., CTS. & JUD. PROC. §§ 3-8A-10 and 3-8A-33.

²⁴⁷ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(c)(1).

²⁴⁸ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(c)(4).

²⁴⁹ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(c)(3). The person who filed the complaint, the arresting officer and the victim have the right to appeal an intake officer's decision not to file a petition. MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(g)(2) and (h)(1).

Informal adjustment

When appropriate, the intake worker may propose an informal adjustment not to exceed 90 days.²⁵⁰ The victim, the youth and the youth's parent or guardian must consent to the informal adjustment.²⁵¹ If, at any time, the intake worker believes that the youth is not complying with the terms of the informal adjustment, the case can be referred to the juvenile court.²⁵²

Detention

If the intake worker suspects that a youth will not appear for the court hearing or is likely to re-offend, the intake worker may authorize emergency detention. If the youth is detained, the juvenile court must hold a continued detention hearing the next working day and can order that the youth be returned home, placed on electronic monitoring or continue to be detained.²⁵³

Delinquency determination

At the adjudication hearing, the court determines whether the facts alleged are true. The state and the youth are the only parties in the case. The youth has a right to be represented by an attorney and will be represented by the Office of the Public Defender if the youth's family cannot afford an attorney. A parent cannot waive their child's right to an attorney. Furthermore, a youth cannot waive the right to an attorney unless the youth appears in court, with an attorney, and the court is satisfied that the youth is knowingly and willingly waiving the right to be represented.²⁵⁴

²⁵⁰ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(f)(2)(the time may be extended by the court or by the intake worker, if the intake worker determines that the youth needs additional time to complete substance abuse treatment).

²⁵¹ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(e)(1).

²⁵² MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-10(f)(4).

²⁵³ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 15.

²⁵⁴ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 20.

If the youth is found to be delinquent, the court may place the youth on probation in his own home or in the custody of a relative or other fit person, upon terms the court deems appropriate, including community detention, commit the youth to the custody of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency, order the youth and the youth's family to participate in rehabilitative services²⁵⁵ and require the youth to pay restitution.²⁵⁶ For each youth under active supervision, DJS is required to develop an individualized treatment plan for the youth that specifies the level of supervision and establishes appropriate service goals after an evaluation of the youth's needs.²⁵⁷

Commitment to DJS

Once committed, DJS has the authority to place the youth in an appropriate placement including foster homes or detention centers. The juvenile court may order DJS to submit periodic reports and can continue to review the youth's placement and progress until the case can be closed.²⁵⁸

Children In Need of Supervision

The acts that typically make a youth a CINS are referred to as status offenses because the same actions committed by adults would not result in criminal sanction. It is only because of the age of the individual that these actions receive official attention. Being a runaway could subject a minor to involvement with DJS or the Juvenile Court; however, the number of CINS cases filed across the state is minuscule. In FY 2006, there were only 224 CINS cases opened across the state compared to over 29,000 DJS and almost 4,000 CINA cases.²⁵⁹

²⁵⁵ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 19(d)(1).

²⁵⁶ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 19(g).

²⁵⁷ MD. CODE REGS. 16.16.01.00 et al.

²⁵⁸ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 25; MD. CODE REGS. 16.16.01.14.

²⁵⁹ Maryland Judiciary, Administrative Office of the Courts, Department of Family Administration, Annual Report of the Maryland Circuit Court Family Divisions and Family Services programs, Table 2, Page 20 (Fiscal Year 2006).

The Maryland courts have characterized the rationale for CINS proceedings as “to insulate certain forms of misconduct peculiarly reflecting the propensities and susceptibilities of youth . . . so that the youth will acquire none of the institutional, quasi-penal features of treatment” that distinguish the treatment of youth found to have committed a delinquent act. *In the Matter of Cindy Ann Spalding*, 273 Md. 609, 700, 332 A.2d 246, 252 (1975). Despite this distinction, minors adjudicated CINS can be removed from their families, confined with delinquent children, or committed to a state institution. Thus, although the CINS designation seems benign, it can result in quite harmful outcomes for the youth and the youth’s family.

A police officer who finds a minor smoking or consuming alcohol will issue a citation. The juvenile services intake worker can informally resolve the citation by referring the minor to a smoking cessation clinic or alcohol education or rehabilitation program. Additionally, a community service program can be part of informal resolution of the citation. If the minor does not comply with the terms of the informal resolution, the case will be referred to the state to initiate court action.

The state has not invested many resources in providing services to children who meet the CINS definition. A pilot program to assess and target services to children alleged to be CINS was established for Baltimore City and Baltimore County in 2005. The pilot program is set to expire in 2010. Children alleged to be CINS are referred for an assessment, required to participate in two to six meetings with the youth’s family and the case worker and establish a case plan for services for the family. Only if the family fails to cooperate with the assessment and intervention program can the child be referred to a DJS intake officer to file a petition with the court or to resolve the case informally.²⁶⁰

²⁶⁰ See generally, MD. CODE ANN., CTS. & JUD. PROC. § 3-8A- 10.1.

VI. RUNAWAY AND HOMELESS YOUTH

FEDERAL PROGRAMS

The Runaway and Homeless Youth Act (RHYA) was passed in order to develop an accurate national reporting system; to develop an effective system of care and education for runaway and homeless youth; and to coordinate with specified programs and entities concerning the health, education, employment, and housing of such youth. RHYA provides grants to public and private agencies to provide a variety of services to runaway and homeless youth including street outreach, basic center and transitional living programs.

Street Outreach Programs

Outreach programs provide street-based education and outreach, access to emergency shelter, survival aid, individual assessments, treatment and counseling, prevention and education activities, information and referrals, crisis intervention and follow-up support. These programs conduct outreach with street youth in an effort to help young people leave the streets.

Basic Center Programs

Basic Centers provide emergency shelter, food, clothing, medical care, counseling, outreach services, and crisis intervention for runaway and homeless youth under 18 years old. Shelters can provide up to 15 days of shelter to a maximum of 20 youth and must notify the youth's parents within 3 days unless local law or regulation requires otherwise.²⁶¹ These programs work to reunify the youth with the youth's family.

²⁶¹ 45 C.F.R. § 1351.18. In Maryland, programs providing shelter to youth are required to notify parents no later than 24 hours after the youth enters the program. MD. CODE REGS. 14.31.07.09

Transitional Living Programs (TLP)

TLPs provide longer term residential services to homeless youth ages 16-21 for up to 18 months. An additional 180 days is allowed for youth less than 18 years old. TLPs provide safe living accommodations, life skills training, educational opportunities, job preparation, substance abuse education, and health care. These services are designed to help youth who are homeless make a successful transition to self-sufficient living.

MARYLAND PROGRAMS

Maryland law provides for establishment of “a program to help homes for runaway youths.”²⁶² However, the terms “homeless youth” and “runaway” are mentioned only four additional times in Maryland statutes²⁶³ and there are no regulations or policies designed to explicitly address the needs of unaccompanied youth.

Furthermore, there are only two federally funded TLPs and three basic center programs available to serve Maryland’s 23 jurisdictions and Baltimore City.²⁶⁴

²⁶² MD. CODE ANN., HUM. SERV. § 9-232.

²⁶³ MD. CODE ANN., HUM. SERV. § 9-232(establishing a program for runaway homes); MD. CODE ANN., HUM. SERV. § 9-303 (providing for the return of runaway youth in the interstate compact on Juveniles); MD. CODE ANN., HUM. SERV. § 9-401(including a home for runaway youth in the definition of juvenile program); MD. CODE ANN., EDUC. § 8-412(referring to the definition of homeless youth in McKinney-Vento and requiring the appointment of a parent surrogate for unaccompanied homeless youth); MD. CODE ANN., FAM. LAW § 5-533(defining a residential facility for children to include a “runaway home.”).

²⁶⁴ For a list of federally funded programs in Maryland, see <http://www.acf.hhs.gov/programs/fysb/content/youthdivision/programs/locate/md.htm>