

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 16, 2021
 To: Joint Standing Committee on Health & Human Services
 From: Erin Dooling, Esq., Legislative Analyst

LD 81 An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods

LD 1076 An Act To Support the Operations of Youth Shelters in Maine

	Shelters for homeless children		Emergency children’s shelters	
	<i>Duration of Placement</i>	<i>Notification of guardian</i>	<i>Duration of Placement</i>	<i>Permission of guardian</i>
<i>LD 81</i>	Extends the allowable consecutive overnights from 30 to 60 (<i>Sec. 2</i>)	--	Extends the allowable consecutive days from 30 to 60 (<i>Sec. 1</i>)	--
<i>LD 1076</i>	Extends the allowable consecutive overnights from 30 to 90 (<i>Sec. 2</i>)	Allows admission for up to 30 days without first notifying the child’s guardian (<i>Sec. 3</i>)	Extends the allowable consecutive days from 30 to 90 (<i>Sec. 1</i>)	Allows admission of a child for up to 30 days without the permission of the child’s guardian (<i>Sec. 4</i>)

❖ LD 1076 also increases the funding provided to homeless youth shelters from \$2,000,000 annually to \$2,500,000 annually (GF) (*Sec. 5*).

FISCAL IMPACT:

- LD 81: No fiscal impact
- LD 1076: Not yet determined

DRAFTING ISSUES:

- *Suggest including unallocated directive to DHHS to amend its rules:* DHHS rules in chapters 8 and 9 include definitions of “emergency children’s shelter” and “shelter for homeless children” that would need to be updated to reflect the statutory changes proposed in LDs 81 or 1076. By a certain date?
- *Clarify / suggest cross-referencing rule chapters:* The initiative in Sec. 5 of LD 1076 currently says “homeless youth shelters.” Is the appropriation intended for homeless shelters licensed under chapter 8, chapter 9 or both?

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- *Submitted to DHHS:*
 - Over the last 12 months, what were the total number of beds available for unaccompanied youth at a shelter and what was the occupancy rate?
 - If a youth receives an extension to stay in a youth shelter longer than 30 days, are daily extension requests of DHHS required? If not, what is the extension process?
 - Has DHHS been receiving extension requests for youths staying in shelters beyond 60 days? Does DHHS have data of extension requests before and during the pandemic?
- *Submitted to DHHS to work with shelter partners:*
 - How many youth who have come to a shelter have returned to a shelter within a short period of time?
 - How many consecutive nights are youths staying in shelters?
- Are there studies or outcome data about whether 60 days or 90 days or some other period of time is optimal?
Unable to determine
- *Additional questions submitted to DHHS by OPLA and OFPR:*
 - Are youth homeless shelters (licensed under either ch. 8 or 9) currently working under an RFP?

- What is the relationship between the pending RFP and the current system of shelters (licensed under either ch. 8 or 9)?
- How would the Department handle the appropriation in LD 1076 in light of the pending RFP?

ADDITIONAL RELATED INFORMATION:

- DHHS rules: [10-148 C.M.R. ch. 8](#) - Licensure of Shelter for Homeless Children (*pages 18-19*)
 5. Notification of Guardian.
 - a. The facility shall make good faith efforts to notify a guardian by telephone within three hours of accepting the child for overnight admission. If unsuccessful, the facility shall notify the guardian by mail on the day following admission. If the guardian cannot be reached by telephone or mail, the facility shall notify the Department of Human Services in accordance with the mandatory reporting law, 22 MRSA §4011 *et seq.*
 - b. The facility may admit the child without notifying the guardian in accordance with subsection a if:
 - i. The child seeking admission indicates that notification of the guardian may result in harm to the child, provided that the facility makes an immediate referral to the Department of Human Services; or
 - ii. The child requests in writing that the guardian not be notified and the child has not stayed in the facility on more than three previous occasions.
 - c. In order to accept the child for a fourth overnight, the facility must follow the notification procedure in subsection a or b.i.
- DHHS rules: [10-145 CM.R. ch. 9](#) - Licensure of Emergency Shelters for Children (*pages 33-34*)
 4. Regular Admission Procedures.

- a. Prior to admission, the facility accepting a child into care shall compile intake information including social, health and family history, educational background, legal status, and, if appropriate, psychological and developmental assessment including history of prior suicidal gestures. The facility shall ascertain all medication a child is currently taking.
 - b. The facility shall obtain the written consent of the guardian prior to admission.
5. Emergency Admission Procedures.
- a. In an emergency situation necessitating immediate placement, the facility shall gather as much information as possible about the child to be admitted and the circumstances necessitating placement.
 - b. The facility shall ensure that the intake information is completed within 2 working days after the child's admission. The intake form shall include social health, and family history; educational background; legal status; and if appropriate, psychological and developmental assessment including history of prior suicidal gestures, other pertinent data, including a statement defining the need for emergency shelter services.
 - c. The facility shall arrange for immediate medical emergency care if needed at time of admission.
 - d. Within the first 12 hours of care the facility shall:
 - i. Obtain the consent of the guardian; or
 - ii. Notify the department (Children's Emergency Services) and obtain confirmation of the department's declaration of the need for short term emergency services and/or the obtaining of a court order.
 - iii. If contacting the guardian appears to place the child in jeopardy the department (Children's Emergency Services) shall be contacted as above.
- [RFP](#) mentioned by DHHS in its written testimony (posted March 27, 2021; proposals due May 5, 2021)