HOUSE . . . . . No. 3838

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing housing and support services for unaccompanied homeless youth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (1) Notwithstanding any general or special law to the contrary, the Executive Office of Health and Human Services shall enter into performance-based contracts with organizations and agencies to provide housing and support services to address the needs of unaccompanied homeless youth. Programs funded under this Act shall provide a continuum of housing options for this population provided on a voluntary basis in conjunction with wraparound support services, which shall include but not be limited to: emergency shelter, “kinship” home placements, short term housing and “Transition to Independent Living” programs. The funded programs shall provide unaccompanied homeless youth with a stable out-of-home placement and help to reunite the youth with the youth’s parent or legal guardian if family reunification is in the youth's best interest, and help to create educational and residential stability. Additional support services funded through these contracts may include but are not limited to: individual, family and group counseling; access to medical, dental and mental health care; education and employment services; case management, advocacy and referral services; independent living skills training; and provision of basic needs.

(2) As used in this Act, "unaccompanied homeless youth" means a person 22 years of age or younger who is unaccompanied by a parent or guardian and is without shelter where appropriate care and supervision are available, whose parent or legal guardian is unable or unwilling to provide shelter and care or who lacks a fixed, regular and adequate nighttime residence. "Fixed, regular and adequate nighttime residence" means a dwelling at which a person resides on a regular basis that adequately provides safe shelter. "Fixed, regular and adequate nighttime residence" does not include a publicly or privately operated institutional shelter designed to provide temporary living accommodations; transitional housing; a temporary placement with a peer, friend, or family member who has not offered a permanent residence, residential lease or temporary lodging for more than 30 days; or a public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.

26 "Homeless youth" does not include a person incarcerated or otherwise detained under federal or
27 state law.

28 (3) The Executive Office of Health and Human Services shall establish requirements and
29 shall contract for programs that ensure that services, as specified by this Act, are provided to
30 homeless youth in all urban, suburban and rural areas of the state in an appropriate and
31 responsible manner.

32 (4) The Executive Office of Health and Human Services shall monitor organizations
33 receiving funds under this Act to ensure that appropriate and high-quality services are being
34 delivered to homeless youth, shall collect common data and outcome measures from these
35 organizations, and shall file reports with the Clerks of the House of Representatives and the
36 Senate, the Joint Committee on Children, Families, and Persons with Disabilities, the House and
37 Senate Committees on Ways and Means and the Office of the Child Advocate by December 31
38 of each year regarding the data collected from the organizations, the incidence of youth
39 homelessness in Massachusetts, and the status of and any change in housing, residential stability,
40 educational stability and outcomes and well-being of homeless youth in the Commonwealth.

41 SECTION 2: Not withstanding any general or special law to the contrary, there shall be
42 a special commission for the purpose of studying and making
43 recommendations concerning services for unaccompanied homeless youth under
44 twenty-two years of age with the goal of ensuring a comprehensive and effective
45 response to the unique needs of this population. The focus of the commission's work
46 shall include, but not be limited to, an analysis of the barriers to serving unaccompanied
47 youth under eighteen years of age; an assessment of the impact of mandated reporting
48 requirements on unaccompanied youths' access to services and the state's ability to
49 identify and connect with unaccompanied youth; and recommendations to reduce
50 identified barriers to serving this population, including but not limited to, extending the
51 time for certain categories of mandated reporters to file reports and/or establishing
52 special licensure provisions to allow service providers to serve homeless youth under
53 eighteen years of age. The commission, in formulating its recommendations, shall take
54 account of best practices and policies in other states and jurisdictions.
55 The commission shall include, The Secretary of the Executive Office of Health and

56 Human Services, the Commissioners of the Departments of Children and Families,
57 Elementary and Secondary Education, Public Health, Mental Health, MAHealth,
58 Transitional Assistance and the Undersecretary of Housing and Community
59 Development, two members of the Senate appointed by the Senate President, two
60 members of the House of Representatives appointed by the Speaker of the House,
61 three youth who have experienced homelessness, and a representative from each of
62 the following organizations: Massachusetts Coalition for the Homeless, Task Force on
63 Youth aging Out of the Department of Children and Families Care, Massachusetts
64 Appleseed Center for Law and Education, Mass Equality, Massachusetts Housing and
65 Shelter Alliance and three persons to be named by the Governor."

66 The commission shall submit a report to the Governor, the Speaker of the House of
67 Representative and the President of the Senate, the Joint Committee on Children, Families and
68 Persons with Disabilities and the Office of the Child Advocate no later than 9 months after the
69 passage of this Act setting forth the commission's conclusions on how to improve access to
70 services for unaccompanied homeless youth under 18 years of age, together with any
71 recommendations for regulatory or legislative action with a timeline for implementation, cost
72 estimates and finance mechanisms. Thereafter, the commission submit a report annually by
73 December 31 of each year to the Governor, the Speaker of the House of Representative and the
74 President of the Senate, the Joint Committee on Children, Families and Persons with Disabilities,
75 the Clerks of the House of Representatives and the Senate and the Office of the Child Advocate
76 detailing the extent of homelessness among unaccompanied youth within the Commonwealth
77 and the progress made toward implementing the commission's recommendations along with
78 other efforts to address the needs of this population.