

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2306 Session of 2020

INTRODUCED BY ROZZI, BULLOCK, MURT, HOWARD, HARKINS,
SCHLOSSBERG, HANBIDGE, KINSEY, HILL-EVANS, HOHENSTEIN,
GALLOWAY, GAINNEY, BURGOS, KENYATTA, SANCHEZ, T. DAVIS,
READSHAW, DONATUCCI, KOSIEROWSKI, FREEMAN, LEE, SHUSTERMAN,
MCNEILL, KIM, GILLEN AND DRISCOLL, FEBRUARY 24, 2020

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 24, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in general provisions relating to
3 children and minors, providing for contracting and consent by
4 certain minors.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 23 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5106. Contracting and consent by certain minors.

10 (a) General rule.--Notwithstanding any other provision of
11 law, a minor may contract for housing, employment, purchase of
12 an automobile, receipt of a student loan, admission to high
13 school or postsecondary school, obtaining medical care, opening
14 a bank account, admission to a shelter for victims of domestic
15 violence or a homeless shelter and receipt of services as a
16 victim of domestic violence or sexual abuse, including, but not
17 limited to, counseling, court advocacy, financial assistance and

other advocacy services, if:

(1) The minor is at least 16 years of age.

(2) The minor is a homeless minor.

(3) The minor is self-supporting and is without the physical or financial support of a parent or legal guardian.

(4) The minor's parent or legal guardian has consented to the minor living independent of the parent's or legal guardian's control. Consent may be expressed or implied as follows:

(i) Expressed consent shall be any verbal or written statement made by the parent or legal guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or legal guardian's control.

(ii) Implied consent shall be any action made by the parent or legal guardian of the minor that indicates that the parent or legal guardian is unwilling or unable to adequately care for the minor. The actions may include, but are not limited to:

(A) barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

(B) refusing to provide any or all financial support for the minor; or

(C) abusing or neglecting the minor or committing an act of domestic violence against the minor.

(b) Contract for automobile insurance.--A homeless minor or a minor who is 16 years of age or older and who is in the legal custody of a county agency under an order of a court of competent jurisdiction may contract for the purchase of

1 automobile insurance with the consent of the county agency or
2 the juvenile court. The minor shall be responsible for paying
3 the costs of the insurance premiums and shall be liable for
4 damages caused by the minor's negligent operation of a motor
5 vehicle. No county agency, foster parent or entity providing
6 case management of children on behalf of a county agency shall
7 be responsible for paying any insurance premiums nor liable for
8 any damages of any kind as a result of the operation of a motor
9 vehicle by the minor.

10 (c) Contract for checking or savings account.--A homeless
11 minor or a minor who is 16 years of age or older and who is in
12 the legal custody of a county agency under an order of a court
13 of competent jurisdiction may contract for the opening of a
14 checking or savings bank account with the consent of the county
15 agency or the juvenile court. The minor shall be responsible for
16 paying all banking-related costs associated with the checking or
17 savings bank account and shall be liable for any and all
18 penalties should the minor violate a banking agreement. No
19 county agency, foster parent or entity providing case management
20 of children on behalf of a county agency shall be responsible
21 for paying any bank fees nor liable for any penalties related to
22 violation of a banking agreement.

23 (d) Consent for no cost emergency shelter, housing and
24 related services.--A homeless minor may consent to no cost
25 emergency shelter, housing and related services, if the homeless
26 minor understands the benefits, responsibilities, risks and
27 limits of the shelter, housing and services and the homeless
28 minor agrees to adhere to the provider's rules and cooperate and
29 participate in the services recommended by the provider if:

30 (1) the provider has not, despite reasonable efforts,

1 been able to contact the homeless minor's parent, legal
2 guardian or legal custodian;

3 (2) the provider has made contact with the homeless
4 minor's parent, legal guardian or legal custodian and the
5 homeless minor's parent, legal guardian or legal custodian
6 has refused to give consent and, based on the information
7 available to the provider, the provider reasonably believes
8 that the homeless minor would incur harm or would be subject
9 to threatened harm if the homeless minor returned immediately
10 to the home of the parent, legal guardian or legal custodian;
11 or

12 (3) the homeless minor has refused to provide contact
13 information for the homeless minor's parent, legal guardian
14 or legal custodian, and the provider reasonably believes that
15 the homeless minor would incur harm or would be subject to
16 threatened harm if the homeless minor returned immediately to
17 the home of the parent, legal guardian or legal custodian.

18 (e) Duration of consent for no cost emergency shelter,
19 housing and related services.--Any consent given under
20 subsection (d) by a homeless minor shall, for the duration of
21 the period of shelter or housing and with respect to all
22 services, including medical services, be valid and binding as if
23 the homeless minor had reached the age of majority. The
24 following shall apply:

25 (1) The consent given under subsection (d) shall not be
26 subject to later disaffirmance by reason of the homeless
27 minor's minority.

28 (2) A provider who renders emergency shelter, housing
29 and related services to a homeless minor under and can
30 demonstrate compliance with subsection (d) shall be immune

1 from any civil or criminal liability based on the provider's
2 determination to provide the emergency shelter, housing and
3 related services provided that if a provider's assessment and
4 determination or conduct in providing emergency shelter,
5 housing and related services, is the result of the provider's
6 gross negligence or willful or wanton acts or omissions, the
7 provider may be held liable for the provider's gross
8 negligence or willful or wanton acts or omissions.

9 (3) A provider who renders emergency shelter, housing
10 and related services to a homeless minor shall document in
11 writing the efforts made to contact the homeless minor's
12 parent, legal guardian or legal custodian.

13 (4) The provider shall report any suspected child abuse
14 or neglect to the county agency or the local police
15 department in accordance with this title.

16 (f) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "County agency." As defined in section 6303 (relating to
20 definitions).

21 "Homeless minor." An individual who is under 18 years of
22 age, who lives apart from the individual's parent, legal
23 guardian or legal custodian and who lacks a fixed and regular
24 nighttime residence. The term includes the following:

25 (1) Children and youths who are sharing the housing of
26 other individuals due to loss of housing, economic hardship
27 or other similar reasons, who are living in motels, hotels,
28 trailer parks or camping grounds due to the lack of
29 alternative adequate accommodations, who are living in
30 emergency or transitional shelters or who are abandoned in

1 hospitals.

2 (2) Children and youths who have a primary nighttime
3 residence that is a public or private place not designed for
4 or ordinarily used as a regular sleeping accommodation for
5 human beings.

6 (3) Children and youths who are living in cars, parks,
7 public spaces, abandoned buildings, substandard housing, bus
8 or train stations or similar settings.

9 (4) Migratory children, as defined under the Elementary
10 and Secondary Education Act of 1965 (Public Law 89-10, 20
11 U.S.C. § 6301 et seq.), living in circumstances under
12 paragraph (1), (2) or (3).

13 "Minor." An individual under 18 years of age.

14 "Provider." An organization established to provide emergency
15 shelter to minors and to provide related services, health care
16 or supplies.

17 Section 2. This act shall take effect in 60 days.