
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1044 Session of
2021

INTRODUCED BY ROZZI, BULLOCK, KENYATTA, SCHLOSSBERG, HOWARD,
SANCHEZ, DELLOSO, HILL-EVANS, LEE, MADDEN, SCHWEYER AND
HOHENSTEIN, MARCH 31, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 31, 2021

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
18 other advocacy services, if:

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

2 (2) The minor is a homeless minor.

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

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

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

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

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

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

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

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

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

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

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

29 (1) the provider has not, despite reasonable efforts,
30 been able to contact the homeless minor's parent, legal

1 guardian or legal custodian;

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

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

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

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

27 (2) A provider who renders emergency shelter, housing
28 and related services to a homeless minor under and can
29 demonstrate compliance with subsection (d) shall be immune
30 from civil or criminal liability based on the provider's

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

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

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

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

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

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

24 (1) Children and youths who are:

25 (i) sharing the housing of other individuals due to
26 loss of housing, economic hardship or other similar
27 reasons;

28 (ii) living in motels, hotels, trailer parks or
29 camping grounds due to the lack of alternative adequate
30 accommodations;

1 (iii) living in emergency or transitional shelters;
2 or
3 (iv) abandoned in hospitals.

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

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

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

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

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

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