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H.657

Representative McGill of Bridport moves that the bill be amended as follows:

First: By striking out Sec. 4, 33 V.S.A. § 4908, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 33 V.S.A. § 4908 is added to read:

§ 4908. UNACCOMPANIED YOUTH

(a) Legislative intent. In instances in which severe family dysfunction such as abuse, neglect, child abandonment, or lack of financial support has left a child or youth homeless, and other supports such as foster care are deemed inappropriate, it is the intent of the General Assembly to provide an unaccompanied youth with the resources necessary to obtain services and benefits that the unaccompanied youth’s peers can obtain with the consent of a parent or guardian.

(b) Definitions. As used in this section:

(1) “Homeless child or youth” means an individual who lacks a fixed, regular, and adequate nighttime residence, including:

(A) a child or youth sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(B) a child or youth living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

1 (C) a child or youth living in emergency or transitional shelters;

2 (D) a child or youth abandoned in hospitals;

3 (E) a child or youth living in a primary nighttime residence that is a
4 public or private place not designed for or ordinarily used as a regular sleeping
5 accommodation for human beings;

6 (F) a child or youth living in cars, parks, public spaces, abandoned
7 buildings, substandard housing, bus or train stations, or similar settings; or

8 (G) a migratory child who qualifies as homeless because the child is
9 living in the circumstances described in this subdivision (1).

10 (2) “School district homeless liaison” means an employee designated by
11 a school district to act as a liaison for homeless children and youths.

12 (3) “Unaccompanied youth” means a homeless child or youth 16 or 17
13 years of age who is not in the physical custody of a parent or guardian.

14 (c) Certification. An unaccompanied youth may become certified if the
15 youth is:

16 (1) found by a school district homeless liaison or other appropriate staff
17 person to be an unaccompanied youth; or

18 (2) believed to qualify as an unaccompanied youth, by:

19 (A) the director of an emergency shelter program funded by the
20 State;

1 (B) the director of a runaway or homeless youth program funded by
2 the U.S. Department of Health and Human Services or the U.S. Department of
3 Housing and Urban Development or designee;

4 (C) a continuum of care lead agency or designee;

5 (D) the Chief Juvenile Defender or designee; or

6 (E) the Vermont Network Against Domestic and Sexual Violence or
7 designee.

8 (d) Proof of certification.

9 (1)(A) Elevate Youth Services' Vermont Coalition of Runaway and
10 Homeless Services shall develop a standardized form that shall be used by the
11 entities specified in subdivision (c)(2) of this section to certify qualifying
12 unaccompanied youths. The front of the form shall include the circumstances
13 that qualify the youth; the date the youth was certified; the name, title, and
14 signature of the certifying individual; and confirmation from the certifying
15 individual that the individual has completed a human trafficking training in the
16 past two years. This section shall be reproduced in its entirety on the back of
17 the form.

18 (B) The Department shall post the certification form and information
19 about this section on its website, including who is eligible for certification and
20 which individuals and entities can complete the certification form pursuant to
21 this section.

- 1 (2) Without the consent of a parent or guardian, a certified
2 unaccompanied youth may use the completed form to:
- 3 (A) apply at no charge for a nondriver identification card pursuant to
4 23 V.S.A. § 115, a learner’s permit pursuant to 23 V.S.A. § 617, or an
5 operator’s license or operator’s privilege card pursuant to 23 V.S.A. § 608;
- 6 (B) obtain a vital event certificate at no charge pursuant to 18 V.S.A.
7 § 5017;
- 8 (C) consent to care by health care professionals licensed or certified
9 in Vermont, including medical care; dental care; mental health care services,
10 including psychological counseling and treatment, psychiatric treatment, and
11 substance use prevention and treatment services; and surgical diagnosis and
12 treatment, including medical diagnosis and treatment, such as preventive care
13 and care provided in a health care facility, as defined in 18 V.S.A. § 9432, for:
- 14 (i) the youth; or
- 15 (ii) the youth’s child, if the certified unaccompanied youth is
16 unmarried, is the parent of the child, and has actual custody of the child;
- 17 (D) enter into a contract for housing or obtain admission to a shelter
18 or transitional housing;
- 19 (E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter
20 4;

1 (F) purchase an automobile and obtain an automobile liability policy
2 that meets the requirements of 23 V.S.A. chapter 11;

3 (G) apply for a student loan;

4 (H) obtain admission to high school or postsecondary school and
5 participate in school activities, including extracurricular activities and field
6 trips;

7 (I) open an account at a State- or federally chartered bank or credit
8 union; and

9 (J) receive services for victims of domestic or sexual violence, as
10 appropriate.

11 (e) Use of certification form. A health care professional shall accept the
12 completed form as proof of the youth's status as a certified unaccompanied
13 youth. Entities that provide housing, services, or benefits authorized under this
14 section may keep a copy of the form or card in the youth's medical file.

15 (f) Consent of a parent or guardian.

16 (1) A certification issued pursuant to subsection (c) of this section shall
17 authorize an unaccompanied youth to obtain benefits and services listed in
18 subsection (d) of this section. A person, provider, or health care professional
19 shall not require the consent of a parent or guardian as a condition of providing
20 a benefit or service authorized under subsection (d) of this section.

1 (2) For the purposes of implementing subdivision (d)(2)(I) of this
2 section, the Commissioner of Financial Regulation shall ensure that minimum
3 youth certification requirements are met for the purpose of making it legally
4 permissible for a bank, credit union, or insurance company to contract with an
5 unaccompanied youth without the consent of a parent or guardian and with the
6 understanding that the unaccompanied youth may not have a permanent
7 physical address.

8 (g) Immunity from liability. Any entity, provider, or health care
9 professional who contracts with an unaccompanied youth pursuant to this
10 section shall be immune from liability for the determination to contract with a
11 minor, unless the entity, provider, or health care professional acted with gross
12 negligence.

13 (h) Applicability of Compact. Nothing in this section shall be construed as
14 altering the Interstate Compact for Juveniles.

15 Second: In Sec. 4a, 13 V.S.A. § 1311, in subsection (c), by striking out
16 subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3)
17 to read as follows:

18 (3) actions authorized under 33 V.S.A. § 4908.

19 Third: In Sec. 9, 33 V.S.A. § 5123, in subsection (f), in the second sentence,
20 by striking out the phrase “Soft mechanical restraints” and inserting in lieu
21 thereof “Soft restraints”

1 Fourth: In Sec. 9, 33 V.S.A. § 5123, by striking out subsection (l) in its
2 entirety and inserting in lieu thereof a new subsection (l) to read as follows:

3 (l) Annually, on or before January 15, the Department of State’s Attorneys
4 and Sheriffs shall submit a written report to the House Committee on Human
5 Services; the Senate Committee on Health and Welfare; the Department for
6 Children and Families; and the Office of the Child, Youth, and Family
7 Advocate addressing the number of court-ordered transports of minors
8 conducted by the State transport deputies pursuant to 24 V.S.A. § 290(b)
9 during the previous year, including:

10 (1) the date of birth of transported minors;

11 (2) whether restraint was used during transport;

12 (3) if restraint was used, the type of restraint;

13 (4) whether the minor’s case was a delinquency, youthful offender, or
14 criminal proceeding; and

15 (5) the purpose of the transport.