

SUBJECT: Expanded eligibility for emergency shelter care for minors

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 6 ayes — Dutton, Goodman, Baxter, Hodge, J. Moreno, Morrison
0 nays
3 absent — Castro, Dunnam, Reyna

WITNESSES: For — Nancy Flores, Texas Council on Family Violence
Against — Roy A. Getting, Texas Fathers Alliance
On — Liz Garbutt, Texas Department of Human Services

BACKGROUND: Family Code, sec. 32.201 allows emergency shelter facilities to house and care for minors if they are mothers who are the sole support of their child or children. The shelters can provide shelter for these minors only during an emergency that is an immediate danger to their physical health or safety. Shelters can provide care for these minor mothers for only 15 days unless they receive consent from the minor's parent or guardian to continue services or unless the minor has qualified for financial assistance under the federal Temporary Assistance for Needy Families (TANF) program and is on the waiting list for housing assistance.

DIGEST: CSHB 1364 would authorize emergency shelters to care for all minors, not only minor mothers who are the sole support of their children. It would eliminate the requirement that emergency shelters obtain parental consent to provide care after 15 days for certain minors who are not qualified for TANF. After 15 days, a shelter could continue to provide care without parental consent if the minor was at least 16 years old and either (1) lived apart from the minor's parents or guardian and managed his or her own affairs or (2) was unmarried and pregnant or had children.

Shelters would not be liable for providing emergency care to minors if the minor provided consent as outlined, except for acts of negligence.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1364 would ensure that all minors, not only minor mothers with children, could receive emergency shelter if faced with family violence, abuse, neglect, or another emergency situation. Current law is too restrictive in allowing only minor mothers who are also the sole support of their children to receive shelter. Minors who are not mothers — including boys — also may need emergency help and, if turned away from a shelter, could end up on the streets, involved in prostitution, or in other dangerous situations.

Current law requiring mothers to be the sole support of their children to be admitted to a shelter is too restrictive. Mothers who are not the sole support of their children can need help. In very few instances do minors provide the sole support for children, and it can be difficult to determine the level of support a mother provides.

CSHB 1364 would not allow shelters to provide continuing care for all minors without their parents' or guardians' consent. Rather, it would craft a specific exception for certain 16- and 17-year-olds and would continue current law that does not require parental consent for minors who qualify for TANF and are awaiting housing assistance. Parental consent would have to be obtained to continue caring for minors who did not meet these exceptions.

The bill would remove the overly restrictive requirement about parental consent for certain 16- and 17-year-olds. Sixteen-year-olds who live on their own and manage their affairs or who are unmarried and pregnant or have children are independent and are qualified to make decisions about their emergency shelter. If these 16- and 17-year-olds are living with parents or guardians and show up at an emergency shelter, it could mean that their domestic situation has become dangerous and that seeking consent from their parents would be inappropriate. If a 16-year-old is not living with parents, the parents' consent is irrelevant. For example, a minor may have been kicked out of her parents' house and be living with a boyfriend who becomes abusive and violent. In this situation, parental consent should not be required.

CSHB 1364, like current law, would allow but not require shelters to provide

care. Care provided to minors still would have to be during an emergency constituting an immediate danger to the minors' or their children's physical health or safety. Care would be limited to 15 days unless the minor met the bill's exceptions. Emergency shelters still would evaluate each situation and provide shelter only when appropriate. These facilities are not set up to be child-care facilities and would refer some minors to more appropriate care, perhaps through child protective services, which also can provide emergency shelter if necessary.

The bill would make shelters more open to providing care by removing liability for providing emergency care unless they are negligent.

**OPPONENTS
SAY:**

CSHB 1364 would go too far in removing parental consent requirements. It could allow certain 16- and 17-year-olds to continue to receive shelter when their parents should be a part of that decision. Sixteen-year-olds could mislead shelter officials about their situations. A better approach would be to require parental notification, though not necessarily consent, while providing an exception for certain abusive situations.

NOTES:

The committee substitute removed a requirement that for 16-year-olds to continue to receive care, they must have actual custody of their children. It also removed authorization for shelters to advise minors' parents or guardians of the care with or without the minors' consent.