

Senate Engrossed

minors; capacity to consent; shelter

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1062

AN ACT

AMENDING TITLE 44, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 44-135; RELATING TO CONTRACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 1, article 3, Arizona Revised
3 Statutes, is amended by adding section 44-135, to read:

4 44-135. Capacity of minor to obtain shelter services;
5 definition

6 A. NOTWITHSTANDING ANY OTHER LAW, AN EMANCIPATED MINOR, A MINOR WHO
7 HAS CONTRACTED A LAWFUL MARRIAGE OR AN INDEPENDENT UNACCOMPANIED HOMELESS
8 MINOR MAY GIVE CONSENT TO THE FURNISHING OF SHELTER, TRANSITIONAL LIVING
9 OR OTHER TEMPORARY HOUSING OR HOMELESS-ASSOCIATED SERVICES AND SUPPORTIVE
10 SERVICES TO THE MINOR. THE MINOR'S CONSENT IS NOT SUBJECT TO
11 DISAFFIRMANCE BECAUSE OF MINORITY. THE CONSENT OF A PARENT OR LEGAL
12 GUARDIAN OF THE MINOR IS NOT NECESSARY TO AUTHORIZE SHELTER, TRANSITIONAL
13 LIVING OR OTHER TEMPORARY HOUSING OR HOMELESS-ASSOCIATED SERVICES OR
14 SUPPORTIVE SERVICES. A PERSON WHO PROVIDES SHELTER, TRANSITIONAL LIVING
15 OR OTHER TEMPORARY HOUSING SERVICES PURSUANT TO THIS SUBSECTION MUST
16 ATTEMPT TO NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN ABOUT THE LOCATION
17 OF THE MINOR AND MUST NOTIFY LOCAL POLICE ABOUT THE LOCATION OF THE MINOR.
18 FOR THE PURPOSES OF THIS SECTION, A SUBSEQUENT JUDGMENT OF ANNULMENT OF
19 MARRIAGE OR JUDGMENT OF DIVORCE DOES NOT DEPRIVE A MINOR OF THE RIGHTS AND
20 SERVICES PRESCRIBED BY THIS SUBSECTION.

21 B. A SHELTER, TRANSITIONAL LIVING OR OTHER TEMPORARY HOUSING
22 PROVIDER OR HOMELESS-ASSOCIATED SERVICES OR SUPPORTIVE SERVICES PROVIDER,
23 ACTING IN RELIANCE ON THE CONSENT OF A MINOR WHO HAS AUTHORITY OR APPARENT
24 AUTHORITY PURSUANT TO THIS SECTION TO CONSENT TO THE SERVICES, IS NOT
25 SUBJECT TO CRIMINAL OR CIVIL LIABILITY AND PROFESSIONAL DISCIPLINARY
26 ACTION ON THE GROUND THAT THE PROVIDER FAILED TO OBTAIN CONSENT OF THE
27 MINOR'S PARENT OR LEGAL GUARDIAN. THIS SUBSECTION DOES NOT APPLY TO
28 CRIMINAL OR CIVIL LIABILITY THAT ARISES FROM THE PROVIDER'S OR THE
29 FACILITY'S OWN ACTS OF NEGLIGENCE OR WILFUL MISCONDUCT.

30 C. FOR THE PURPOSES OF THIS SECTION, "UNACCOMPANIED HOMELESS MINOR"
31 MEANS A PERSON WHO IS SIXTEEN OR SEVENTEEN YEARS OF AGE, WHO LIVES APART
32 FROM THE PERSON'S PARENT OR LEGAL GUARDIAN AND WHO EITHER:

33 1. LACKS A FIXED AND REGULAR NIGHTTIME RESIDENCE.

34 2. HAS A PRIMARY RESIDENCE THAT IS EITHER A SUPERVISED SHELTER
35 DESIGNED TO PROVIDE TEMPORARY ACCOMMODATIONS, A HALFWAY HOUSE OR A PLACE
36 NOT DESIGNED FOR OR ORDINARILY USED FOR SLEEPING BY HUMANS.

37 3. SHARES THE HOUSING OF PERSONS OTHER THAN A PARENT OR LEGAL
38 GUARDIAN DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP, VIOLENCE, ABUSE OR A
39 SIMILAR REASON AS STATED IN THE DEFINITION OF HOMELESS CHILDREN AND YOUTHS
40 IN THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (42 UNITED STATES CODE
41 SECTION 11434a).

1 Sec. 2. Legislative findings

2 The legislature recognizes that older emancipated, married and
3 independent homeless minor youth are in exceptional circumstances outside
4 the physical custody of and living independently from parents or legal
5 guardians, with standard parental rights no longer applying. The
6 legislature intends to prevent independent, unaccompanied homeless youth
7 from living on the street or in other dangerous situations and does not
8 intend to limit cases in which consent may otherwise be obtained or is not
9 required.