

CHAPTER 128

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 20-106

BY SENATOR(S) Woodward and Ginal, Bridges, Crowder, Danielson, Donovan, Fields, Gonzales, Hisey, Lee, Moreno, Story, Todd, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Kipp and Titone, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Valdez A., Valdez D., Weissman, Woodrow, Young, Becker.

AN ACT**CONCERNING THE ABILITY OF HOMELESS YOUTH TO CONSENT TO SHELTER OR SHELTER SERVICES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 26-5-101, **add** (3)(q) as follows:

26-5-101. Definitions. As used in this article 5, unless the context otherwise requires:

(3) "Child welfare services" means the provision of necessary shelter, sustenance, and guidance to or for children who are or who, if such services are not provided, are likely to become neglected or dependent, as defined in section 19-3-102. "Child welfare services" includes but is not limited to:

(q) SERVICES THAT ADDRESS ABUSE, NEGLECT, AND YOUTH-IN-CONFLICT ISSUES FOR RUNAWAY, HOMELESS, AND UNACCOMPANIED YOUTH, AS DEFINED IN RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SECTIONS 26-5-102 AND 26-5.7-105.

SECTION 2. In Colorado Revised Statutes, **amend** 26-5.7-105 as follows:

26-5.7-105. Child care facilities - homeless youth shelters - authority - duties - rules. (1) Licensed child care facilities, licensed homeless youth shelters, and licensed host family homes may provide ~~both~~ SHELTER AND crisis intervention, ~~services~~ FAMILY RECONCILIATION, and alternative residential services to homeless

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

youth. HOMELESS YOUTH WHO ARE FIFTEEN YEARS OF AGE OR OLDER MAY CONSENT, IN WRITING, TO RECEIVE SUCH SHELTER AND SERVICES WITHOUT PARENTAL CONSENT WHEN IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

(2) Any youth admitted to a licensed child care facility, licensed homeless youth shelter, or licensed host family home pursuant to this ~~article~~ ARTICLE 5.7 and who is not returned to the home of the youth's parent OR LEGAL GUARDIAN or is not placed in a voluntary alternative residential placement pursuant to section 26-5.7-107 shall reside at a facility, shelter, or licensed host family home described in subsection (1) of this section for a period not to exceed twenty-one days from the time of intake except as otherwise provided in this ~~article~~ ARTICLE 5.7. A licensed child care facility, licensed homeless youth shelter, or a licensed host family home shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the youth have not been achieved within ~~forty-eight~~ SEVENTY-TWO hours ~~excluding Saturdays, Sundays, and legal holidays,~~ from the time of intake and the director of the facility or shelter, or other person in charge, does not consider it likely that reconciliation will be achieved within the twenty-one-day period, then the director of the facility or shelter, or other person in charge, shall provide the youth and the youth's parent OR LEGAL GUARDIAN with a statement identifying:

- (a) The availability of counseling services;
- (b) The availability of longer term residential arrangements; and
- (c) The possibility of referral to the county department.

(3) The state department shall develop a written statement of the rights and counseling services set forth in subsection (2) of this section and shall distribute the statement to each law enforcement agency, licensed child care facility, licensed homeless youth shelter, and licensed host family home. Each law enforcement officer taking a youth into custody pursuant to this ~~article~~ ARTICLE 5.7 shall provide the youth and the youth's parent OR LEGAL GUARDIAN with a copy of the statement. Each licensed child care facility, licensed homeless youth shelter, and licensed host family home shall provide each resident youth and the youth's parent OR LEGAL GUARDIAN with a copy of the statement.

(4) When a youth under fifteen years of age is admitted to a licensed child care facility, licensed homeless youth shelter, or licensed host family home, the director of the facility, shelter, or other person in charge shall notify the county department ~~of the county of residence of the parents of the youth~~ within seventy-two hours of the youth's admission.

(5) If the director of the facility, shelter, or other person in charge determines that a referral for additional services needs to be made, the director or other person in charge shall make the referral to the APPROPRIATE county ~~of residence of the parents of the youth~~ DEPARTMENT, NOTIFY THE COUNTY DEPARTMENT OF THE FACILITY'S RELATIONSHIP TO THE YOUTH PURSUANT TO SECTION 19-1-307 (2)(e.5)(I), AND NOTIFY THE COUNTY DEPARTMENT OF THE DATE WHEN THE TWENTY-ONE-DAY SHELTER TIME PERIOD WILL EXPIRE.

(6) A licensed foster care home approved as a licensed host family home shall not accept a homeless youth for placement under this section if there are any foster children currently placed in the home.

(7) If a youth who is at least eleven years of age but less than fifteen years of age has been served up to twenty-one days and returns ~~again~~ to the licensed child care facility, licensed homeless youth shelter, or licensed host family home after leaving the facility, shelter, or host home, the director of the licensed child care facility or licensed homeless youth shelter or other person in charge shall make a referral for services to the county ~~of residence of the parents of the youth~~ DEPARTMENT.

(8) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, **amend** 26-5.7-106 as follows:

26-5.7-106. Notification. (1) Any person who provides shelter to a youth without the consent of the youth's parent OR LEGAL GUARDIAN and after said person knows that the youth is away from the home of the youth's parent OR LEGAL GUARDIAN without permission shall notify the youth's parent, LEGAL GUARDIAN, or a law enforcement officer that the youth is being sheltered within twenty-four hours after shelter has been provided and after acquiring knowledge that the youth is away from the home of the youth's parent OR LEGAL GUARDIAN without permission. ~~IF THE YOUTH REFUSES TO PROVIDE THE SHELTER WITH CONTACT INFORMATION FOR THE YOUTH'S PARENT OR LEGAL GUARDIAN, THE YOUTH'S PARENT OR LEGAL GUARDIAN IS DECEASED, OR THE SHELTER DIRECTOR OR OTHER PERSON IN CHARGE BELIEVES THAT NOTIFYING THE PARENT OR LEGAL GUARDIAN WOULD NOT BE IN THE YOUTH'S BEST INTEREST DUE TO AN IMMINENT RISK OF ABUSE OR NEGLECT BY THE PARENT OR LEGAL GUARDIAN, THE SHELTER SHALL NOTIFY THE APPROPRIATE COUNTY DEPARTMENT.~~

(2) Upon admission of a youth to a licensed child care facility or licensed homeless youth shelter pursuant to this ~~article~~ ARTICLE 5.7, the facility or shelter shall:

(a) ~~Immediately~~ Notify the youth's parent, LEGAL GUARDIAN, OR APPROPRIATE COUNTY DEPARTMENT of the youth's whereabouts, physical and emotional condition, and the circumstances surrounding the youth's placement WITHIN TWENTY-FOUR HOURS;

(b) Notify the youth's parent OR LEGAL GUARDIAN that it is the paramount concern of the facility or shelter to achieve a reconciliation between the parent OR LEGAL GUARDIAN and the youth, to reunify the family, and to inform the parent OR LEGAL GUARDIAN about ~~the~~ AVAILABLE alternatives; ~~that are available;~~

(c) Arrange transportation for the youth to the residence of the youth's parent OR LEGAL GUARDIAN when the youth and the parent OR LEGAL GUARDIAN agree that the youth shall return to the home of the youth's parent OR LEGAL GUARDIAN. The parent OR LEGAL GUARDIAN shall reimburse the party who paid for the transportation costs to the extent of the parent's OR LEGAL GUARDIAN'S ability.

(d) Arrange transportation for the youth to an alternative residential placement facility when the youth and the youth's parent OR LEGAL GUARDIAN agree to such placement. The parent OR LEGAL GUARDIAN shall reimburse the appropriate person for transportation costs to the extent of the parent's OR LEGAL GUARDIAN'S ability.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 26, 2020