

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0769.01 Jane Ritter x4342

SENATE BILL 20-106

SENATE SPONSORSHIP

Woodward and Ginal,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF HOMELESS YOUTH TO CONSENT TO**
102 **SHELTER OR SHELTER SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a homeless youth who is 14 years of age or older (youth) to consent to receiving shelter or shelter services from a licensed homeless youth shelter. Upon receipt of such consent, a licensed homeless youth shelter is not required to notify the youth's parent or legal guardian or seek additional parental consent for shelter or shelter services.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 24, 2020

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

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

4 **26-5-101. Definitions.** As used in this article 5, unless the context
5 otherwise requires:

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

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

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

17 **26-5.7-105. Child care facilities - homeless youth shelters -**
18 **authority - duties - rules.** (1) Licensed child care facilities, licensed
19 homeless youth shelters, and licensed host family homes may provide
20 both SHELTER AND crisis intervention, services FAMILY RECONCILIATION,
21 and alternative residential services to homeless youth. HOMELESS YOUTH
22 WHO ARE FIFTEEN YEARS OF AGE OR OLDER MAY CONSENT, IN WRITING, TO
23 RECEIVE SUCH SHELTER AND SERVICES WITHOUT PARENTAL CONSENT
24 WHEN IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE
25 DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

26 (2) Any youth admitted to a licensed child care facility, licensed

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

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

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

1 licensed child care facility, licensed homeless youth shelter, and licensed
2 host family home shall provide each resident youth and the youth's parent
3 OR LEGAL GUARDIAN with a copy of the statement.

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

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

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

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

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

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

5 **26-5.7-106. Notification.** (1) Any person who provides shelter to
6 a youth without the consent of the youth's parent OR LEGAL GUARDIAN and
7 after said person knows that the youth is away from the home of the
8 youth's parent OR LEGAL GUARDIAN without permission shall notify the
9 youth's parent, LEGAL GUARDIAN, or a law enforcement officer that the
10 youth is being sheltered within twenty-four hours after shelter has been
11 provided and after acquiring knowledge that the youth is away from the
12 home of the youth's parent OR LEGAL GUARDIAN without permission. IF
13 THE YOUTH REFUSES TO PROVIDE THE SHELTER WITH CONTACT
14 INFORMATION FOR THE YOUTH'S PARENT OR LEGAL GUARDIAN, THE
15 YOUTH'S PARENT OR LEGAL GUARDIAN IS DECEASED, OR THE SHELTER
16 DIRECTOR OR OTHER PERSON IN CHARGE BELIEVES THAT NOTIFYING THE
17 PARENT OR LEGAL GUARDIAN WOULD NOT BE IN THE YOUTH'S BEST
18 INTEREST DUE TO AN IMMINENT RISK OF ABUSE OR NEGLECT BY THE
19 PARENT OR LEGAL GUARDIAN, THE SHELTER SHALL NOTIFY THE
20 APPROPRIATE COUNTY DEPARTMENT.

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

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

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

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

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

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.