

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

**REENGROSSED**

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

LLS NO. 20-0769.01 Jane Ritter x4342

**SENATE BILL 20-106**

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**SENATE SPONSORSHIP**

**Woodward and Ginal**, Bridges, Crowder, Danielson, Donovan, Fields, Garcia, Gonzales, Hisey, Lee, Moreno, Story, Todd, Zenzinger

**HOUSE SPONSORSHIP**

**Kipp**,

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**Senate Committees**  
Local Government

**House Committees**

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**A BILL FOR AN ACT**

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

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**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  
3rd Reading Unamended  
February 25, 2020

SENATE  
Amended 2nd Reading  
February 24, 2020

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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.