

SENATE COMMITTEE OF REFERENCE REPORT

_____ February 18, 2020
Chair of Committee Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB20-106 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, 26-5-101, **add**
4 (3)(q) as follows:
- 5 **26-5-101. Definitions.** As used in this article 5, unless the context
6 otherwise requires:
- 7 (3) "Child welfare services" means the provision of necessary
8 shelter, sustenance, and guidance to or for children who are or who, if
9 such services are not provided, are likely to become neglected or
10 dependent, as defined in section 19-3-102. "Child welfare services"
11 includes but is not limited to:
- 12 (q) SERVICES THAT ADDRESS ABUSE, NEGLECT, AND
13 YOUTH-IN-CONFLICT ISSUES FOR RUNAWAY, HOMELESS, AND
14 UNACCOMPANIED YOUTH, AS DEFINED IN RULES PROMULGATED BY THE
15 STATE DEPARTMENT PURSUANT TO SECTIONS 26-5-102 AND 26-5.7-105.
- 16 **SECTION 2.** In Colorado Revised Statutes, **amend** 26-5.7-105
17 as follows:
- 18 **26-5.7-105. Child care facilities - homeless youth shelters -**
19 **authority - duties - rules.** (1) Licensed child care facilities, licensed
20 homeless youth shelters, and licensed host family homes may provide
21 ~~both~~ SHELTER AND crisis intervention, ~~services~~ FAMILY RECONCILIATION,
22 and alternative residential services to homeless youth. HOMELESS YOUTH
23 WHO ARE FIFTEEN YEARS OF AGE OR OLDER MAY CONSENT, IN WRITING, TO
24 RECEIVE SUCH SHELTER AND SERVICES WITHOUT PARENTAL CONSENT

1 WHEN IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE
2 DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

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

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

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

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

40 (5) If the director of the facility, shelter, or other person in charge
41 determines that a referral for additional services needs to be made, the

1 director or other person in charge shall make the referral to the
2 APPROPRIATE county ~~of residence of the parents of the youth~~
3 DEPARTMENT, NOTIFY THE COUNTY DEPARTMENT OF THE FACILITY'S
4 RELATIONSHIP TO THE YOUTH PURSUANT TO SECTION 19-1-307 (2)(e.5)(I),
5 AND NOTIFY THE COUNTY DEPARTMENT OF THE DATE WHEN THE
6 TWENTY-ONE-DAY SHELTER TIME PERIOD WILL EXPIRE.

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

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

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

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

21 **26-5.7-106. Notification.** (1) Any person who provides shelter to
22 a youth without the consent of the youth's parent OR LEGAL GUARDIAN and
23 after said person knows that the youth is away from the home of the
24 youth's parent OR LEGAL GUARDIAN without permission shall notify the
25 youth's parent, LEGAL GUARDIAN, or a law enforcement officer that the
26 youth is being sheltered within twenty-four hours after shelter has been
27 provided and after acquiring knowledge that the youth is away from the
28 home of the youth's parent OR LEGAL GUARDIAN without permission. IF
29 THE YOUTH REFUSES TO PROVIDE THE SHELTER WITH CONTACT
30 INFORMATION FOR THE YOUTH'S PARENT OR LEGAL GUARDIAN, THE
31 YOUTH'S PARENT OR LEGAL GUARDIAN IS DECEASED, OR THE SHELTER
32 DIRECTOR OR OTHER PERSON IN CHARGE BELIEVES THAT NOTIFYING THE
33 PARENT OR LEGAL GUARDIAN WOULD NOT BE IN THE YOUTH'S BEST
34 INTEREST DUE TO AN IMMINENT RISK OF ABUSE OR NEGLECT BY THE
35 PARENT OR LEGAL GUARDIAN, THE SHELTER SHALL NOTIFY THE
36 APPROPRIATE COUNTY DEPARTMENT.

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

40 (a) ~~Immediately~~ Notify the youth's parent, LEGAL GUARDIAN, OR
41 APPROPRIATE COUNTY DEPARTMENT of the youth's whereabouts, physical

1 and emotional condition, and the circumstances surrounding the youth's
2 placement WITHIN TWENTY-FOUR HOURS;

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

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

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

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

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