

CHAPTER 221

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 24-191

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also REPRESENTATIVE(S) Kipp and Frizell, Amabile, Bird, Boesenecker, Brown, deGruy Kennedy, Duran, English, Garcia, Hamrick, Hernandez, Jodeh, Lieder, Lindsay, Mabrey, Mauro, McLachlan, Ortiz, Parenti, Ricks, Story, Titone, Valdez, Velasco, Vigil, Young, McCluskie.

AN ACT**CONCERNING THE OPERATION OF HOST HOMES FOR YOUTH.**

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

SECTION 1. In Colorado Revised Statutes, **add** 26-5.7-110 as follows:

26-5.7-110. Host homes for youth - report - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HOST HOME" MEANS A PRIVATE HOME THAT VOLUNTEERS TO HOST YOUTH IN NEED OF TEMPORARY PLACEMENT THAT IS ASSOCIATED WITH A HOST HOME PROGRAM WITH THE PURPOSE OF PROVIDING A SAFE, TEMPORARY, AND WELCOMING SPACE TO ALLOW THE YOUTH TIME TO REPAIR THE YOUTH'S RELATIONSHIP WITH THE YOUTH'S PARENT OR LEGAL GUARDIAN OR MAKE DECISIONS REGARDING OTHER LONG-TERM HOUSING OPTIONS WITH THE SUPPORT OF A HOST HOME OPERATOR.

(b) "HOST HOME PROGRAM" OR "PROGRAM" MEANS A PROGRAM THAT PROVIDES SUPPORT TO A HOST HOME AND MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

(c) "YOUTH" MEANS AN INDIVIDUAL WHO IS UNDER TWENTY-THREE YEARS OF AGE.

(2) THE STATE DEPARTMENT SHALL OVERSEE THE OPERATIONS OF THE HOST HOME PROGRAMS.

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.

(3) TO OPERATE A HOST HOME PROGRAM, AN ORGANIZATION MUST:

(a) BE A TAX EXEMPT ORGANIZATION FOR YOUTH NOT IN THE CARE OF THE COUNTY DEPARTMENT;

(b) RECRUIT AND SCREEN INDIVIDUALS INTERESTED IN OPERATING A HOST HOME IN THE PROGRAM, INCLUDING PERFORMING CRIMINAL HISTORY RECORD CHECKS PURSUANT TO SUBSECTION (5) OF THIS SECTION ON THE INTERESTED INDIVIDUALS AND ALL INDIVIDUALS RESIDING IN THE HOME WHO ARE EIGHTEEN YEARS OF AGE OR OLDER, AND PERFORM A PHYSICAL INSPECTION OF THE HOME;

(c) PROVIDE CASE MANAGEMENT SERVICES TO YOUTH IN THE PROGRAM;

(d) PROVIDE A MINIMUM OF SIXTY DAYS OF AFTERCARE, AS DEFINED IN 45 CFR 1351.1, FOR A YOUTH WHO LEAVES A HOST HOME;

(e) PROVIDE MANDATORY REPORTER AND CONFIDENTIALITY TRAINING TO HOST HOME OPERATORS; AND

(f) MAINTAIN ACCURATE AND UP-TO-DATE RECORDS DOCUMENTING THE FOLLOWING FOR EACH HOST HOME OPERATING UNDER THE PROGRAM:

(I) THE ADDRESS OF THE HOST HOME;

(II) THE NAME OF THE INDIVIDUAL OPERATING THE HOST HOME AND ALL OTHER INDIVIDUALS RESIDING IN THE HOME;

(III) A COPY OF THE COMPLETED CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (5) OF THIS SECTION FOR THE INDIVIDUAL OPERATING THE HOST HOME AND ALL OTHER INDIVIDUALS RESIDING IN THE HOME WHO ARE EIGHTEEN YEARS OF AGE OR OLDER;

(IV) A COPY OF THE HOST HOME'S COMPLETED PHYSICAL HOME INSPECTION;

(V) A COPY OF THE HOST HOME'S PROPERTY OR RENTAL INSURANCE AND AUTOMOBILE INSURANCE; AND

(VI) ANY OTHER INFORMATION REQUIRED BY THE STATE DEPARTMENT.

(4) TO OPERATE A HOST HOME, AN INDIVIDUAL MUST:

(a) MAINTAIN PROPERTY OR RENTAL INSURANCE AND AUTOMOBILE INSURANCE COVERING THE PROPERTY AND VEHICLES USED IN PROVIDING HOST HOME SERVICES;

(b) UNDERGO A CRIMINAL HISTORY RECORD CHECK IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION; AND

(c) COMPLY WITH ANY OTHER REQUIREMENTS SET BY THE STATE DEPARTMENT.

(5) (a) BEFORE AN INDIVIDUAL MAY OPERATE A HOST HOME PURSUANT TO THIS SECTION, THE INDIVIDUAL MUST UNDERGO FINGERPRINTING PERFORMED BY A LOCAL

LAW ENFORCEMENT AGENCY OR THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. THE INDIVIDUAL MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(b) AFTER TAKING THE INDIVIDUAL'S FINGERPRINTS, THE LOCAL LAW ENFORCEMENT AGENCY OR THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION SHALL SUBMIT THE COMPLETE SET OF THE INDIVIDUAL'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(c) IF A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION CONDUCTS THE FINGERPRINTING, THE INDIVIDUAL'S FINGERPRINTS MAY BE CAPTURED ELECTRONICALLY USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THE THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION MUST NOT KEEP THE INDIVIDUAL'S INFORMATION COLLECTED FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK FOR MORE THAN THIRTY DAYS, UNLESS OTHERWISE REQUESTED BY THE INDIVIDUAL.

(d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE INDIVIDUAL'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE COLORADO BUREAU OF INVESTIGATION'S RECORDS. THE COLORADO BUREAU OF INVESTIGATION MUST SEND THE INDIVIDUAL'S FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION, INDIVIDUAL, STATE DEPARTMENT, AND ENTITY CONDUCTING THE FINGERPRINTING MUST COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE STATE DEPARTMENT AND THE STATE DEPARTMENT IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE STATE DEPARTMENT MUST USE THE INFORMATION FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN INDIVIDUAL IS QUALIFIED TO OPERATE A HOST HOME PURSUANT TO THIS SECTION.

(f) IF THE RESULTS OF AN INDIVIDUAL'S FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARRESTS WITHOUT A DISPOSITION, THE ORGANIZATION OPERATING A HOST HOME PROGRAM MUST REQUIRE THE INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3.

(6) (a) IF A YOUTH IS UNDER ELEVEN YEARS OF AGE AND SEEKS ADMISSION TO A HOST HOME, THE HOST HOME MUST OBTAIN WRITTEN CONSENT FROM A PARENT OR LEGAL GUARDIAN OF THE YOUTH AUTHORIZING THE YOUTH'S TEMPORARY RESIDENCE IN THE HOST HOME. IF WRITTEN CONSENT IS RECEIVED, THE YOUTH MAY RESIDE IN A HOST HOME FOR UP TO TWENTY-ONE DAYS.

(b) YOUTH ELEVEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE ADMITTED TO A HOST HOME MAY RESIDE IN THE HOST HOME FOR UP TO TWENTY-ONE DAYS PURSUANT TO SECTION 26-5.7-105.

(c) IF A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO A HOST HOME, THE PROGRAM DIRECTOR OR HOST HOME OPERATOR MUST NOTIFY THE COUNTY DEPARTMENT WITHIN SEVENTY-TWO HOURS AFTER THE YOUTH'S ADMISSION.

(d) FOR YOUTH EIGHTEEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-THREE YEARS OF AGE, THE YOUTH MAY REMAIN IN A HOST HOME BEYOND THE TWENTY-ONE-DAY PERIOD IF CONSENT IS PROVIDED TO THE HOST HOME BY THE YOUTH. DOCUMENTATION VERIFYING THE YOUTH'S CONSENT MUST BE UPDATED EVERY SIX MONTHS THEREAFTER.

(e) IF A YOUTH ELEVEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-THREE YEARS OF AGE HAS RESIDED IN A HOST HOME FOR TWENTY-ONE DAYS, THE PROGRAM DIRECTOR OR HOST HOME OPERATOR MUST REFER THE YOUTH TO THE COUNTY DEPARTMENT FOR ADDITIONAL SERVICES.

(f) HOST HOME OPERATORS SHALL COMPLY WITH THE NOTIFICATION REQUIREMENTS SPECIFIED IN SECTION 26-5.7-106.

(7) ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, IF A PROGRAM RECEIVES LOCAL, STATE, OR FEDERAL FUNDING, THE PROGRAM MUST ENTER THE FOLLOWING INFORMATION IN TO THE HOMELESS MANAGEMENT INFORMATION SYSTEM AND SHARE THE INFORMATION WITH THE OFFICE OF HOMELESS YOUTH SERVICES:

(a) THE NUMBER OF YOUTH SERVED BY THE PROGRAM; AND

(b) UPON LEAVING A HOST HOME, WHETHER EACH PARTICIPATING YOUTH RETURNED TO LIVE WITH THE YOUTH'S PARENT OR LEGAL GUARDIAN, RAN AWAY, REACHED TWENTY-THREE YEARS OF AGE, OR BECAME A DEPENDANT OF THE STATE.

(8) A LICENSED FOSTER CARE HOME APPROVED AS A HOST HOME SHALL NOT ACCEPT A YOUTH FOR PLACEMENT PURSUANT TO THIS SECTION IF THERE ARE ANY FOSTER CHILDREN CURRENTLY PLACED IN THAT HOME.

(9) NOTHING IN THIS SECTION APPLIES TO HOST HOMES PROVIDING RESIDENTIAL SERVICES TO ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

(10) THE STATE DEPARTMENT SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 19-7-305, **amend** (1)(b)(II) as follows:

19-7-305. Available services and supports. (1) Each county department shall offer, at a minimum, the following services and supports to participating youth in the transition program:

(b) Assistance with securing safe, affordable, and stable housing in the following ways:

(II) With the participating youth's consent, the participating youth's housing may be in any placement approved by the county department or the court for which the participating youth is otherwise eligible, including a ~~licensed host family home~~ HOST HOME, as defined in ~~section 26-5.7-102 (3.5)~~ SECTION 26-5.7-110, or a supervised independent living placement, ~~and~~ that is the least restrictive option to meet the participating youth's needs; or

SECTION 3. In Colorado Revised Statutes, 26-5.7-102, **repeal** (3.5) as follows:

26-5.7-102. Definitions. As used in this article 5.7, unless the context otherwise requires:

(3.5) "~~Licensed host family home~~" means a home that meets the requirements established by the state board by rule pursuant to ~~section 26-6-909 (6)~~.

SECTION 4. In Colorado Revised Statutes, 26-5.7-105, **amend** (1), (2) introductory portion, (3), (4), and (7); and **repeal** (6) as follows:

26-5.7-105. Child care facilities - homeless youth shelters - authority - duties - rules. (1) Licensed child care facilities OR licensed homeless youth shelters ~~and licensed host family homes~~ may provide shelter and crisis intervention, family reconciliation, and alternative residential services to homeless 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~~ A youth admitted to a licensed child care facility OR licensed homeless youth shelter ~~or licensed host family home~~ pursuant to this 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~~ MAY reside at a facility OR 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 5.7. A licensed child care facility OR 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 seventy-two hours 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:

(3) The state department shall develop a written statement of the rights and counseling services set forth in subsection (2) of this section and distribute the statement to each law enforcement agency, licensed child care facility OR licensed homeless youth shelter. ~~and licensed host family home~~. Each law enforcement officer taking a youth into custody pursuant to this 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 OR 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 OR 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 within seventy-two hours of the youth's admission.

(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 to the licensed child care facility OR licensed homeless youth shelter ~~or licensed host family home~~ after leaving the facility OR 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 department.

SECTION 5. In Colorado Revised Statutes, 26-5.7-108, **amend** (2) introductory portion as follows:

26-5.7-108. Voluntary alternative residence - lack of parental agreement.

(2) The licensed child care facility OR licensed homeless youth shelter ~~or licensed host family home~~ to which the youth has been admitted may arrange for the establishment of a supervised independent living arrangement or may arrange a voluntary residential agreement between the youth and a relative or other responsible adult, a licensed child care facility, ~~a~~ OR licensed homeless youth shelter ~~or a licensed host family home~~ if the youth has been admitted to a licensed child care facility OR licensed homeless youth shelter ~~or licensed host family home~~ and:

SECTION 6. In Colorado Revised Statutes, 26-6-909, **repeal** (6) as follows:

26-6-909. Standards for facilities and agencies - rules. (6) ~~The state board shall promulgate rules to define the requirements for licensure for a licensed host family home serving homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this title 26.~~

SECTION 7. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 22, 2024