

CHAPTER 191

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 97-1079

BY REPRESENTATIVES Reeser, K. Alexander, Allen, Chavez, Clarke, Entz, George, Gotlieb, Hagedorn, Keller, Mace, Morrison, Schwarz, Udall, Veiga, and S. Williams;
also SENATORS Wham, Arnold, Bishop, Hernandez, Hopper, J. Johnson, Linkhart, Martinez, Norton, Pascoe, Phillips, and Rupert.

AN ACT

CONCERNING HOMELESS YOUTH.

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

SECTION 1. 18-6-601, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-6-601. Harboring a minor. (1) (a) ~~A person commits aiding or harboring a runaway child if he:~~

~~(a) Knowingly aids a child in running away from home by concealing the child's whereabouts without reporting to the child's parent, legal guardian, or other legal custodian or to a law enforcement agency within twenty-four hours;~~

~~(b) Knowingly harbors a child who has run away from home without reporting the child's whereabouts to the child's parent, legal guardian, or other legal custodian or to a law enforcement agency within twenty-four hours.~~ A PERSON COMMITS THE CRIME OF HARBORING A MINOR IF THE PERSON KNOWINGLY PROVIDES SHELTER TO A MINOR WITHOUT THE CONSENT OF A PARENT, GUARDIAN, OR CUSTODIAN OF THE MINOR AND IF THE PERSON INTENTIONALLY:

(I) FAILS TO RELEASE THE MINOR TO A LAW ENFORCEMENT OFFICER AFTER BEING REQUESTED TO DO SO BY THE OFFICER; OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) FAILS TO DISCLOSE THE LOCATION OF THE MINOR TO A LAW ENFORCEMENT OFFICER WHEN REQUESTED TO DO SO, IF THE PERSON KNOWS THE LOCATION OF THE MINOR AND HAD EITHER TAKEN THE MINOR TO THAT LOCATION OR HAD ASSISTED THE MINOR IN REACHING THAT LOCATION; OR

(III) OBSTRUCTS A LAW ENFORCEMENT OFFICER FROM TAKING THE MINOR INTO CUSTODY; OR

(IV) ASSISTS THE MINOR IN AVOIDING OR ATTEMPTING TO AVOID THE CUSTODY OF A LAW ENFORCEMENT OFFICER; OR

(V) FAILS TO NOTIFY THE PARENT, GUARDIAN, OR CUSTODIAN OF THE MINOR OR A LAW ENFORCEMENT OFFICER THAT THE MINOR IS BEING SHELTERED WITHIN TWENTY-FOUR HOURS AFTER SHELTER HAS BEEN PROVIDED.

(b) IF THE SHELTER PROVIDED TO THE MINOR IS BY A LICENSED CHILD CARE FACILITY, INCLUDING A LICENSED HOMELESS YOUTH SHELTER, THE MINOR, DESPITE THE MINOR'S STATUS, MAY RESIDE AT SUCH FACILITY OR SHELTER FOR A PERIOD NOT TO EXCEED TWO WEEKS AFTER THE TIME OF INTAKE, PURSUANT TO THE PROCEDURES SET FORTH IN ARTICLE 5.7 OF TITLE 26, C.R.S.

(c) IT IS A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE DEFENDANT HAD CUSTODY OF THE MINOR PURSUANT TO A COURT ORDER.

(2) ~~For the purposes of this section:~~ HARBORING A MINOR IS A CLASS 2 MISDEMEANOR.

~~(a) "Harbor" means to keep secreted, cohabit with, or provide shelter for any unmarried minor without the consent of the parent, legal guardian, or other person having legal custody of such minor.~~

~~(b) "Home" means the child's place of residence, including the home of any parent, legal guardian, or other legal custodian, but the term does not include any facility or residence under the department of human services;~~

~~(c) "Runaway child" means an unmarried person who is under eighteen years of age and who has run away from home or is otherwise beyond the control of the person's parent, legal guardian, or other legal custodian, but the term does not include a person who is under eighteen years of age and who is under the legal custody of the department of human services.~~

~~(3) Aiding or harboring a runaway child is a class 2 misdemeanor.~~

~~(4) Nothing in this section shall be construed to apply to a peace officer acting in his official capacity.~~

SECTION 2. Title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 5.7
Homeless Youth

26-5.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "HOMELESS YOUTH ACT".

26-5.7-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNTY DEPARTMENT" MEANS THE COUNTY, CITY AND COUNTY, OR DISTRICT DEPARTMENT OF SOCIAL SERVICES.

(2) (a) "HOMELESS YOUTH" MEANS A YOUTH WHO IS AT LEAST FIFTEEN YEARS OF AGE BUT IS LESS THAN EIGHTEEN YEARS OF AGE AND WHO:

(I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(II) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(A) A SUPERVISED, PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, NOR ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

(b) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS OR A STATE LAW.

(3) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT IS LICENSED PURSUANT TO SECTION 26-6-104.

(4) "PARENT" MEANS THE LEGAL CUSTODIAN OR GUARDIAN OF THE YOUTH.

(5) "YOUTH" OR "CHILD" MEANS ANY PERSON WHO IS AT LEAST FIFTEEN YEARS OF AGE BUT IS LESS THAN EIGHTEEN YEARS OF AGE.

26-5.7-103. Family reconciliation services. (1) OUT OF MONEYS APPROPRIATED TO THE STATE DEPARTMENT FOR FAMILY RECONCILIATION SERVICES, THE STATE DEPARTMENT MAY ELECT TO CONTRACT DIRECTLY WITH PRIVATE NONPROFIT ORGANIZATIONS OR ENTITIES FOR THE PROVISION OF FAMILY INTERVENTION RECONCILIATION SERVICES OR PASS THE MONEYS TO A COUNTY DEPARTMENT ELECTING TO PROVIDE SUCH SERVICES. IN SUCH CIRCUMSTANCES, THE COUNTY DEPARTMENT MAY PROVIDE THE FAMILY INTERVENTION RECONCILIATION SERVICES DIRECTLY OR THE COUNTY DEPARTMENT MAY CONTRACT WITH PRIVATE NONPROFIT ORGANIZATIONS OR ENTITIES FOR THE PROVISION OF SUCH SERVICES. THE COUNTY MAY ALSO CONTRACT WITH PRIVATE NONPROFIT ORGANIZATIONS OR ENTITIES FOR THE PROVISION OF VOLUNTARY ALTERNATIVE RESIDENCES PURSUANT TO SECTIONS 26-5.7-107 AND 26-5.7-108.

(2) ANY COUNTY DEPARTMENT MAY ELECT TO ESTABLISH A PROGRAM TO PROVIDE SERVICES CONSISTENT WITH THIS ARTICLE. IF A COUNTY DEPARTMENT SO ELECTS, IT

SHALL NOTIFY THE STATE DEPARTMENT OF SUCH ACTION, AND ANY HOMELESS YOUTH OR ANY MEMBER OF A FAMILY THAT IS IN CONFLICT OR IS EXPERIENCING PROBLEMS WITH A HOMELESS YOUTH MAY REQUEST FAMILY RECONCILIATION SERVICES FROM THE COUNTY DEPARTMENT. SUCH SERVICES MAY BE PROVIDED TO ALLEVIATE PERSONAL OR FAMILY SITUATIONS THAT PRESENT A SERIOUS AND IMMINENT THREAT TO THE HEALTH, SAFETY, OR WELFARE OF THE YOUTH OR FAMILY AND TO MAINTAIN INTACT FAMILIES WHEREVER POSSIBLE. SERVICES SHALL BE PROVIDED AT THE DISCRETION OF THE COUNTY DEPARTMENT, WITHIN THE COUNTY DEPARTMENT'S AVAILABLE RESOURCES.

(3) FAMILY RECONCILIATION SERVICES THAT MAY BE ESTABLISHED SHALL BE DESIGNED TO DEVELOP SKILLS AND SUPPORT WITHIN FAMILIES TO RESOLVE PROBLEMS RELATED TO HOMELESS YOUTH OR FAMILY CONFLICTS AND MAY INCLUDE, BUT ARE NOT LIMITED TO, REFERRAL SERVICES FOR SUICIDE PREVENTION, FAMILY PRESERVATION SERVICES, PSYCHIATRIC OR OTHER MEDICAL CARE, OR PSYCHOLOGICAL, WELFARE, LEGAL, EDUCATIONAL, MEDIATION, OR OTHER SOCIAL SERVICES SUCH AS TEMPORARY SHELTER OR INDEPENDENT LIVING, AS APPROPRIATE TO THE NEEDS OF THE YOUTH AND THE FAMILY. COUNTY DEPARTMENTS THAT ELECT TO PROVIDE FAMILY EDUCATIONAL RECONCILIATION SERVICES SHALL WORK IN COOPERATION WITH SCHOOL DISTRICT BOARDS OF EDUCATION PROVIDING EDUCATIONAL SERVICES TO HOMELESS CHILDREN IN ORDER TO JOINTLY DEVELOP EDUCATIONAL PROGRAMS FOR HOMELESS YOUTH CONSISTENT WITH SECTION 22-33-103.5, C.R.S.

26-5.7-104. Taking youth into custody - transporting to residence or child care facility or homeless youth shelter. (1) A LAW ENFORCEMENT OFFICER MAY TAKE A YOUTH INTO TEMPORARY CUSTODY WITHOUT AN ORDER OF THE COURT UNDER THE FOLLOWING CIRCUMSTANCES:

(a) IF A LAW ENFORCEMENT AGENCY HAS BEEN CONTACTED BY THE YOUTH'S PARENT AND INFORMED THAT THE YOUTH IS ABSENT FROM PARENTAL CUSTODY WITHOUT CONSENT; OR

(b) IF AN OFFICER HAS REASONABLE CAUSE TO BELIEVE, CONSIDERING THE YOUTH'S AGE, THE YOUTH'S LOCATION, AND THE TIME OF DAY, THAT THE YOUTH IS IN CIRCUMSTANCES THAT CONSTITUTE A DANGER TO THE YOUTH'S SAFETY.

(2) LAW ENFORCEMENT CUSTODY PURSUANT TO THIS SECTION SHALL NOT EXTEND BEYOND THE AMOUNT OF TIME REASONABLY NECESSARY TO TRANSPORT THE YOUTH TO A DESTINATION AUTHORIZED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(3) NOTHING IN THIS SECTION SHALL AFFECT THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO TAKE A YOUTH INTO CUSTODY AND FOLLOW THE PROCEDURES ESTABLISHED PURSUANT TO ARTICLE 2 OR 3 OF TITLE 19, C.R.S.

(4) A LAW ENFORCEMENT OFFICER TAKING A YOUTH INTO CUSTODY PURSUANT TO THIS SECTION SHALL INFORM THE YOUTH OF THE REASON FOR SUCH CUSTODY AND SHALL COMPLY WITH EITHER OF THE FOLLOWING:

(a) THE OFFICER SHALL TRANSPORT THE YOUTH TO THE HOME OF THE YOUTH'S PARENT. THE OFFICER RELEASING THE YOUTH INTO THE CUSTODY OF THE YOUTH'S

PARENT SHALL INFORM THE PARENT OF THE REASON FOR TAKING THE YOUTH INTO CUSTODY AND SHALL INFORM THE YOUTH AND THE PARENT OF THE NATURE AND LOCATION OF ANY FAMILY RECONCILIATION SERVICES AVAILABLE IN THEIR COMMUNITY.

(b) THE OFFICER SHALL TAKE THE YOUTH TO A LICENSED CHILD CARE FACILITY OR TO A LICENSED HOMELESS YOUTH SHELTER IF:

(I) THE YOUTH EVINCES FEAR OR DISTRESS AT THE PROSPECT OF BEING RETURNED TO THE HOME OF THE YOUTH'S PARENT;

(II) IT IS NOT PRACTICAL TO TRANSPORT THE YOUTH TO THE HOME OF THE YOUTH'S PARENT; OR

(III) THERE IS NO PARENT AVAILABLE TO ACCEPT CUSTODY OF THE YOUTH.

26-5.7-105. Child care facilities - homeless youth shelters - authority - duties.

(1) LICENSED CHILD CARE FACILITIES AND LICENSED HOMELESS YOUTH SHELTERS MAY PROVIDE BOTH CRISIS INTERVENTION SERVICES AND ALTERNATIVE RESIDENTIAL SERVICES TO HOMELESS YOUTH.

(2) ANY YOUTH ADMITTED TO A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER PURSUANT TO THIS ARTICLE AND WHO IS NOT RETURNED TO THE HOME OF THE YOUTH'S PARENT OR IS NOT PLACED IN A VOLUNTARY ALTERNATIVE RESIDENTIAL PLACEMENT PURSUANT TO SECTION 26-5.7-107 SHALL RESIDE AT A FACILITY OR SHELTER DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR A PERIOD NOT TO EXCEED TWO WEEKS FROM THE TIME OF INTAKE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE. A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER 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 HOURS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, FROM THE TIME OF INTAKE AND THE FACILITY DOES NOT CONSIDER IT LIKELY THAT RECONCILIATION WILL BE ACHIEVED WITHIN THE TWO-WEEK PERIOD, THEN THE DIRECTOR OF THE FACILITY OR SHELTER, OR OTHER PERSON IN CHARGE, SHALL PROVIDE THE YOUTH AND THE YOUTH'S PARENT 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, AND LICENSED HOMELESS YOUTH SHELTER. EACH LAW ENFORCEMENT OFFICER TAKING A YOUTH INTO CUSTODY PURSUANT TO THIS ARTICLE SHALL PROVIDE THE YOUTH AND THE YOUTH'S PARENT WITH A COPY OF THE STATEMENT. EACH LICENSED CHILD CARE FACILITY AND LICENSED HOMELESS YOUTH SHELTER SHALL PROVIDE EACH RESIDENT YOUTH AND THE YOUTH'S PARENT WITH A

COPY OF THE STATEMENT.

26-5.7-106. Notification. (1) ANY PERSON WHO PROVIDES SHELTER TO A YOUTH WITHOUT THE CONSENT OF THE YOUTH'S PARENT AND AFTER SAID PERSON KNOWS THAT THE YOUTH IS AWAY FROM THE HOME OF THE YOUTH'S PARENT WITHOUT PERMISSION SHALL NOTIFY THE YOUTH'S PARENT 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 WITHOUT PERMISSION.

(2) UPON ADMISSION OF A YOUTH TO A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER PURSUANT TO THIS ARTICLE, THE FACILITY OR SHELTER SHALL:

(a) IMMEDIATELY NOTIFY THE YOUTH'S PARENT OF THE YOUTH'S WHEREABOUTS, PHYSICAL AND EMOTIONAL CONDITION, AND THE CIRCUMSTANCES SURROUNDING THE YOUTH'S PLACEMENT;

(b) NOTIFY THE YOUTH'S PARENT THAT IT IS THE PARAMOUNT CONCERN OF THE FACILITY OR SHELTER TO ACHIEVE A RECONCILIATION BETWEEN THE PARENT AND THE YOUTH, TO REUNIFY THE FAMILY, AND TO INFORM THE PARENT ABOUT THE ALTERNATIVES THAT ARE AVAILABLE;

(c) ARRANGE TRANSPORTATION FOR THE YOUTH TO THE RESIDENCE OF THE YOUTH'S PARENT WHEN THE YOUTH AND THE PARENT AGREE THAT THE YOUTH SHALL RETURN TO THE HOME OF THE YOUTH'S PARENT. THE PARENT SHALL REIMBURSE THE PARTY WHO PAID FOR THE TRANSPORTATION COSTS TO THE EXTENT OF THE PARENT'S ABILITY.

(d) ARRANGE TRANSPORTATION FOR THE YOUTH TO AN ALTERNATIVE RESIDENTIAL PLACEMENT FACILITY WHEN THE YOUTH AND THE YOUTH'S PARENT AGREE TO SUCH PLACEMENT. THE PARENT SHALL REIMBURSE THE APPROPRIATE PERSON FOR TRANSPORTATION COSTS TO THE EXTENT OF THE PARENT'S ABILITY.

26-5.7-107. Voluntary alternative residence - parental agreement. (1) ANY AVAILABLE FAMILY RECONCILIATION SERVICES SHALL BE PROVIDED TO A YOUTH AND THE YOUTH'S FAMILY WHEN THE YOUTH VOLUNTARILY RESIDES ELSEWHERE THAN WITH THE YOUTH'S PARENT. A YOUTH AND THE YOUTH'S PARENT MAY ENTER INTO AN AGREEMENT FOR A VOLUNTARY ALTERNATIVE RESIDENCE OUT OF THE HOME. ANY AGREEMENT FOR VOLUNTARY ALTERNATIVE RESIDENCE SHALL BE IN WRITING SIGNED BY BOTH THE YOUTH AND THE YOUTH'S PARENT AND MAY INCLUDE, BUT IS NOT LIMITED TO, RESIDENCE WITH A RELATIVE OR OTHER RESPONSIBLE ADULT, IN A LICENSED CHILD CARE FACILITY, OR IN A LICENSED HOMELESS YOUTH SHELTER. VOLUNTARY ALTERNATIVE RESIDENCE MAY CONTINUE AS LONG AS THERE IS AGREEMENT BETWEEN THE YOUTH AND THE YOUTH'S PARENT.

(2) AGREEMENTS FOR VOLUNTARY ALTERNATIVE RESIDENCE PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY INCLUDE ARRANGEMENTS FOR PAYMENT TO THE PARTY PROVIDING THE RESIDENCE FOR THE YOUTH OR OTHER RESPONSIBILITIES.

(3) A PERSON ASSUMING RESPONSIBILITY UNDER THE AGREEMENT FOR THE

PROVISION OF A RESIDENCE FOR THE YOUTH SHALL HAVE THE AUTHORITY TO:

(a) ENROLL THE YOUTH IN THE SCHOOL DISTRICT IN WHICH THE VOLUNTARY ALTERNATIVE RESIDENCE IS LOCATED; AND

(b) AUTHORIZE AND OBTAIN PREVENTIVE MEDICAL AND DENTAL CARE AND TREATMENT FOR THE YOUTH.

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

(1) IF THE YOUTH AND THE YOUTH'S PARENT CANNOT AGREE ON AN INITIAL VOLUNTARY ALTERNATIVE RESIDENCE WITHIN TWO WEEKS AFTER ADMISSION TO THE ALTERNATIVE OUT-OF-HOME RESIDENCE, A REFERRAL TO THE COUNTY DEPARTMENT MAY BE MADE.

(2) THE LICENSED CHILD CARE FACILITY OR THE LICENSED HOMELESS YOUTH SHELTER 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, OR A LICENSED HOMELESS YOUTH SHELTER IF THE YOUTH HAS BEEN ADMITTED TO A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER AND:

(a) TWO WEEKS HAVE PASSED SINCE ADMISSION;

(b) THE YOUTH'S PARENT CANNOT BE FOUND AFTER DILIGENT EFFORT BY THE FACILITY OR SHELTER TO LOCATE SUCH PARENT, THE YOUTH'S PARENT HAS FAILED TO RESPOND TO A NOTICE SENT BY THE FACILITY OR SHELTER, OR THE YOUTH'S PARENT HAS RENOUNCED RESPONSIBILITY FOR THE YOUTH; AND

(c) THE YOUTH HAS NO SUITABLE PLACE TO LIVE OTHER THAN THE HOME OF THE YOUTH'S PARENT.

(3) A SUPERVISED INDEPENDENT LIVING ARRANGEMENT CAN ONLY BE ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION IF:

(a) THE YOUTH HAS NOT BEEN DEEMED TO BE DEPENDENT ON CONTROLLED SUBSTANCES OR ALCOHOL AND IS IN NEED OF TREATMENT;

(b) THE YOUTH IS NOT CURRENTLY DEMONSTRATING BEHAVIOR THAT POSES A DANGER TO THE YOUTH OR OTHERS;

(c) THE YOUTH IS NOT ENGAGING IN PERSISTENT HIGH-RISK BEHAVIOR THAT RENDERS THE YOUTH INAPPROPRIATE FOR AN INDEPENDENT LIVING ARRANGEMENT THROUGH A PLACEMENT ALTERNATIVE COMMISSION PLAN PURSUANT TO SECTION 19-1-116, C.R.S., OR FOSTER CARE PLACEMENT THROUGH THE COUNTY DEPARTMENT; AND

(d) THE YOUTH HAS AN ABILITY AND CAPACITY TO MANAGE HIS OR HER OWN AFFAIRS, DEMONSTRATES EMOTIONAL INDEPENDENCE, AND HAS THE OPPORTUNITY AND ABILITY TO ACHIEVE FINANCIAL INDEPENDENCE THROUGH LEGITIMATE ACTIVITIES AND LIFE SKILLS, INCLUDING THE FOLLOWING:

(I) EDUCATIONAL ACCOMPLISHMENTS OR A PLAN FOR ACHIEVING EDUCATIONAL GOALS;

(II) A VOCATIONAL PLAN OR GOAL; AND

(III) AN OPPORTUNITY OR ABILITY TO ACHIEVE ADEQUATE HOUSING AND LIVING ARRANGEMENTS APART FROM THE YOUTH'S PARENT, GUARDIAN, OR CUSTODIAN.

(4) (a) FOR THE PURPOSES OF THIS ARTICLE, A VOLUNTARY RESIDENTIAL AGREEMENT SHALL NOT REQUIRE THE COUNTY DEPARTMENT TO ASSUME CUSTODY OF THE YOUTH OR TO EXERCISE ANY PARENTAL POWER OR CONTROL OVER THE YOUTH OR REQUIRE MEDICAID ASSISTANCE UNDER ARTICLE 4 OF THIS TITLE.

(b) A PERSON ASSUMING RESPONSIBILITY FOR THE YOUTH SHALL HAVE THE AUTHORITY TO:

(I) ENROLL THE YOUTH IN THE SCHOOL DISTRICT IN WHICH THE YOUTH RESIDES, PURSUANT TO THE VOLUNTARY RESIDENTIAL AGREEMENT; AND

(II) AUTHORIZE AND OBTAIN PREVENTIVE MEDICAL AND DENTAL CARE AND TREATMENT FOR THE YOUTH.

26-5.7-109. No use of general fund moneys. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND DOLLARS BE APPROPRIATED FOR THE PURPOSE OF IMPLEMENTING THE REQUIREMENTS OF THIS SECTION.

SECTION 3. 22-33-103.5, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-33-103.5. Attendance of homeless children. (1) Nothing in this article shall be construed to prohibit a child from attending a public school without the payment of tuition solely because the child is homeless as defined in section 22-1-102.5.

(2) SCHOOL DISTRICT BOARDS OF EDUCATION PROVIDING EDUCATIONAL SERVICES TO HOMELESS CHILDREN SHALL WORK IN COOPERATION WITH ANY COUNTY, ALTERNATIVE OR CHARTER SCHOOL, CITY AND COUNTY, OR DISTRICT DEPARTMENT OF SOCIAL SERVICES IN THE DISTRICT IN WHICH A CHILD IS REGISTERED TO ATTEND SCHOOL IN ORDER TO JOINTLY DEVELOP AN EDUCATIONAL PROGRAM FOR SUCH CHILD IF THE CHILD IS RECEIVING FAMILY RECONCILIATION SERVICES PURSUANT TO ARTICLE 5.7 OF TITLE 26, C.R.S.

SECTION 4. 26-6-102, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(5.1) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO YOUTHS WHO ARE AT LEAST FIFTEEN YEARS OF AGE, OR OLDER, AND WHO OTHERWISE ARE HOMELESS YOUTH AS

THAT TERM IS DEFINED IN SECTION 26-5.7-102 (2).

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1997