

SB106\_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

SB20-106 be amended as follows:

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

27 (2) Any youth admitted to a licensed child care facility, licensed  
28 homeless youth shelter, or licensed host family home pursuant to this  
29 ~~article~~ ARTICLE 5.7 and who is not returned to the home of the youth's  
30 parent OR LEGAL GUARDIAN or is not placed in a voluntary alternative  
31 residential placement pursuant to section 26-5.7-107 shall reside at a  
32 facility, shelter, or licensed host family home described in subsection (1)  
33 of this section for a period not to exceed twenty-one days from the time  
34 of intake except as otherwise provided in this ~~article~~ ARTICLE 5.7. A  
35 licensed child care facility, licensed homeless youth shelter, or a licensed  
36 host family home shall make a concerted effort to achieve a reconciliation  
37 of the family. If a reconciliation and voluntary return of the youth have  
38 not been achieved within ~~forty-eight~~ SEVENTY-TWO hours ~~excluding~~  
39 ~~Saturdays, Sundays, and legal holidays~~, from the time of intake and the  
40 director of the facility or shelter, or other person in charge, does not

1 consider it likely that reconciliation will be achieved within the  
2 twenty-one-day period, then the director of the facility or shelter, or other  
3 person in charge, shall provide the youth and the youth's parent OR LEGAL  
4 GUARDIAN with a statement identifying:

5 (a) The availability of counseling services;

6 (b) The availability of longer term residential arrangements; and

7 (c) The possibility of referral to the county department.

8 (3) The state department shall develop a written statement of the  
9 rights and counseling services set forth in subsection (2) of this section  
10 and shall distribute the statement to each law enforcement agency,  
11 licensed child care facility, licensed homeless youth shelter, and licensed  
12 host family home. Each law enforcement officer taking a youth into  
13 custody pursuant to this ~~article~~ ARTICLE 5.7 shall provide the youth and  
14 the youth's parent OR LEGAL GUARDIAN with a copy of the statement. Each  
15 licensed child care facility, licensed homeless youth shelter, and licensed  
16 host family home shall provide each resident youth and the youth's parent  
17 OR LEGAL GUARDIAN with a copy of the statement.

18 (4) When a youth under fifteen years of age is admitted to a  
19 licensed child care facility, licensed homeless youth shelter, or licensed  
20 host family home, the director of the facility, shelter, or other person in  
21 charge shall notify the county department ~~of the county of residence of~~  
22 ~~the parents of the youth~~ within seventy-two hours of the youth's  
23 admission.

24 (5) If the director of the facility, shelter, or other person in charge  
25 determines that a referral for additional services needs to be made, the  
26 director or other person in charge shall make the referral to the  
27 APPROPRIATE county ~~of residence of the parents of the youth~~  
28 DEPARTMENT, NOTIFY THE COUNTY DEPARTMENT OF THE FACILITY'S  
29 RELATIONSHIP TO THE YOUTH PURSUANT TO SECTION 19-1-307 (2)(e.5)(I),  
30 AND NOTIFY THE COUNTY DEPARTMENT OF THE DATE WHEN THE  
31 TWENTY-ONE-DAY SHELTER TIME PERIOD WILL EXPIRE.

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

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

42 (8) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE  
43 IMPLEMENTATION OF THIS SECTION.

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

3           **26-5.7-106. Notification.** (1) Any person who provides shelter to  
4 a youth without the consent of the youth's parent OR LEGAL GUARDIAN and  
5 after said person knows that the youth is away from the home of the  
6 youth's parent OR LEGAL GUARDIAN without permission shall notify the  
7 youth's parent, LEGAL GUARDIAN, or a law enforcement officer that the  
8 youth is being sheltered within twenty-four hours after shelter has been  
9 provided and after acquiring knowledge that the youth is away from the  
10 home of the youth's parent OR LEGAL GUARDIAN without permission. IF  
11 THE YOUTH REFUSES TO PROVIDE THE SHELTER WITH CONTACT  
12 INFORMATION FOR THE YOUTH'S PARENT OR LEGAL GUARDIAN, THE  
13 YOUTH'S PARENT OR LEGAL GUARDIAN IS DECEASED, OR THE SHELTER  
14 DIRECTOR OR OTHER PERSON IN CHARGE BELIEVES THAT NOTIFYING THE  
15 PARENT OR LEGAL GUARDIAN WOULD NOT BE IN THE YOUTH'S BEST  
16 INTEREST DUE TO AN IMMINENT RISK OF ABUSE OR NEGLECT BY THE  
17 PARENT OR LEGAL GUARDIAN, THE SHELTER SHALL NOTIFY THE  
18 APPROPRIATE COUNTY DEPARTMENT.

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

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

26           (b) Notify the youth's parent OR LEGAL GUARDIAN that it is the  
27 paramount concern of the facility or shelter to achieve a reconciliation  
28 between the parent OR LEGAL GUARDIAN and the youth, to reunify the  
29 family, and to inform the parent OR LEGAL GUARDIAN about ~~the~~  
30 AVAILABLE alternatives: ~~that are available~~;

31           (c) Arrange transportation for the youth to the residence of the  
32 youth's parent OR LEGAL GUARDIAN when the youth and the parent OR  
33 LEGAL GUARDIAN agree that the youth shall return to the home of the  
34 youth's parent OR LEGAL GUARDIAN. The parent OR LEGAL GUARDIAN shall  
35 reimburse the party who paid for the transportation costs to the extent of  
36 the parent's OR LEGAL GUARDIAN'S ability.

37           (d) Arrange transportation for the youth to an alternative  
38 residential placement facility when the youth and the youth's parent OR  
39 LEGAL GUARDIAN agree to such placement. The parent OR LEGAL  
40 GUARDIAN shall reimburse the appropriate person for transportation costs  
41 to the extent of the parent's OR LEGAL GUARDIAN'S ability.

42           **SECTION 4. Act subject to petition - effective date.** This act  
43 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2020 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor."

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