

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0459.01 Debbie Haskins

HOUSE BILL 11-1079

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

Jahn,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING METHODS TO REDUCE THE NUMBER OF HOMELESS**
102 **YOUTH.**

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://www.leg.state.co.us/billsummaries>.)

The bill makes state statute compliant with the federal "Runaway and Homeless Youth Act" by:

- ! Increasing the upper age limit for the definition for "homeless youth" from 18 years of age to 21 years of age;
- ! Removing the lower age limit for the definition of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unam ended
March 15, 2011

SENATE
Am ended 2nd Reading
March 14, 2011

HOUSE
3rd Reading Unam ended
February 22, 2011

HOUSE
Am ended 2nd Reading
February 21, 2011

"homeless youth";

! Increasing the number of days that a runaway and homeless youth can stay in a licensed child care facility or a licensed homeless youth shelter from 14 days to 21 days;

! Allowing a host family home to be an allowable placement for 21 days for a runaway and homeless youth.

The state board of human services is directed to adopt rules defining the requirements for a host family home.

In current law, youth in out-of-home placements are served only until they reach 18 years of age, unless they are persons with developmental disabilities. By increasing the age limitation in the statutory definition of "homeless youth", the county departments of social services will be able to serve youth in out-of-home placements until they reach 21 years of age. County departments of social services are encouraged to assess the individual circumstances of each youth in an out-of-home placement who is at least 17 years of age but not yet reached 18 years of age to determine if the youth is ready to become independent upon reaching 18 years of age or whether the youth should continue receiving services from the county until the youth reaches 21 years of age. If the county determines that the youth is at risk of becoming homeless if services from the county are terminated at 18 years of age, the county may continue to provide services to the youth until the youth reaches 21 years of age. The county departments of social services are encouraged to develop an individual plan for self-sufficiency for each youth under their care.

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

2 **SECTION 1.** 26-5.7-102 (2) and (5), Colorado Revised Statutes,
3 are amended, and the said 26-5.7-102 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **26-5.7-102. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (2) (a) "Homeless youth" means a CHILD OR youth who is at least
8 ~~fifteen~~ ELEVEN years of age but is less than ~~eighteen~~ TWENTY-ONE years
9 of age and who:

10 (I) Lacks a fixed, regular, and adequate nighttime residence; or

11 (II) Has a primary nighttime residence that is:

1 (A) A supervised, publicly or privately operated shelter designed
2 to provide temporary living accommodations; or

3 (B) A public or private place not designed for, nor ordinarily used
4 as, a regular sleeping accommodation for human beings.

5 (b) "Homeless youth" shall not include any individual imprisoned
6 or otherwise detained pursuant to an act of congress or a state law.

7 (3.5) "LICENSED HOST FAMILY HOME" MEANS A HOME THAT MEETS
8 THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD BY RULE
9 PURSUANT TO SECTION 26-6-106 (5).

10 (5) "Youth" or "child" means any person who is at least ~~fifteen~~
11 ~~ELEVEN~~ years of age but is less than ~~eighteen~~ TWENTY-ONE years of age.

12 **SECTION 2.** 26-5.7-105, Colorado Revised Statutes, is amended
13 to read:

14 **26-5.7-105. Child care facilities - homeless youth shelters -**
15 **authority - duties.** (1) Licensed child care facilities, ~~and~~ licensed
16 homeless youth shelters, ~~AND LICENSED HOST FAMILY HOMES~~ may provide
17 both crisis intervention services and alternative residential services to
18 homeless youth.

19 (2) Any youth admitted to a licensed child care facility, ~~or~~ licensed
20 homeless youth shelter, ~~OR LICENSED HOST FAMILY HOME~~ pursuant to this
21 article and who is not returned to the home of the youth's parent or is not
22 placed in a voluntary alternative residential placement pursuant to section
23 26-5.7-107 shall reside at a facility, ~~or~~ shelter, ~~OR LICENSED HOST FAMILY~~
24 ~~HOME~~ described in subsection (1) of this section for a period not to exceed
25 ~~two weeks~~ TWENTY-ONE DAYS from the time of intake except as
26 otherwise provided in this article. A licensed child care facility, ~~or~~
27 licensed homeless youth shelter, ~~OR A LICENSED HOST FAMILY HOME~~ shall

1 make a concerted effort to achieve a reconciliation of the family. If a
2 reconciliation and voluntary return of the youth have not been achieved
3 within forty-eight hours, excluding Saturdays, Sundays, and legal
4 holidays, from the time of intake and THE DIRECTOR OF the facility OR
5 SHELTER, OR OTHER PERSON IN CHARGE, does not consider it likely that
6 reconciliation will be achieved within the ~~two-week~~ TWENTY-ONE-DAY
7 period, then the director of the facility or shelter, or other person in
8 charge, shall provide the youth and the youth's parent with a statement
9 identifying:

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

13 (3) The state department shall develop a written statement of the
14 rights and counseling services set forth in subsection (2) of this section
15 and shall distribute the statement to each law enforcement agency,
16 licensed child care facility, ~~and~~ licensed homeless youth shelter, AND
17 LICENSED HOST FAMILY HOME. Each law enforcement officer taking a
18 youth into custody pursuant to this article shall provide the youth and the
19 youth's parent with a copy of the statement. Each licensed child care
20 facility, ~~and~~ licensed homeless youth shelter, AND LICENSED HOST FAMILY
21 HOME shall provide each resident youth and the youth's parent with a copy
22 of the statement.

23 (4) WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO
24 A LICENSED CHILD CARE FACILITY, LICENSED HOMELESS YOUTH SHELTER,
25 OR LICENSED HOST FAMILY HOME, THE DIRECTOR OF THE FACILITY,
26 SHELTER, OR OTHER PERSON IN CHARGE SHALL NOTIFY THE COUNTY
27 DEPARTMENT OF THE COUNTY OF RESIDENCE OF THE PARENTS OF THE

1 YOUTH WITHIN SEVENTY-TWO HOURS OF THE YOUTH'S ADMISSION.

2 (5) IF THE DIRECTOR OF THE FACILITY, SHELTER, OR OTHER PERSON
3 IN CHARGE DETERMINES THAT A REFERRAL FOR ADDITIONAL SERVICES
4 NEEDS TO BE MADE, THE DIRECTOR OR OTHER PERSON IN CHARGE SHALL
5 MAKE THE REFERRAL TO THE COUNTY OF RESIDENCE OF THE PARENTS OF
6 THE YOUTH.

7 (6) A LICENSED FAMILY FOSTER HOME APPROVED AS A LICENSED
8 HOST FAMILY HOME SHALL NOT ACCEPT A HOMELESS YOUTH FOR
9 PLACEMENT UNDER THIS SECTION IF THERE ARE ANY FOSTER CHILDREN
10 CURRENTLY PLACED IN THE HOME.

11 (7) IF A YOUTH WHO IS AT LEAST ELEVEN YEARS OF AGE BUT LESS
12 THAN FIFTEEN YEARS OF AGE HAS BEEN SERVED UP TO TWENTY-ONE DAYS
13 AND RETURNS AGAIN TO THE LICENSED CHILD CARE FACILITY, LICENSED
14 HOMELESS YOUTH SHELTER, OR LICENSED HOST FAMILY HOME AFTER
15 LEAVING THE FACILITY, SHELTER, OR HOST HOME, THE DIRECTOR OF THE
16 LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER
17 OR OTHER PERSON IN CHARGE SHALL MAKE A REFERRAL FOR SERVICES TO
18 THE COUNTY OF RESIDENCE OF THE PARENTS OF THE YOUTH.

19 **SECTION 3.** 26-5.7-108 (1), the introductory portion to
20 26-5.7-108 (2), and 26-5.7-108 (2) (a), Colorado Revised Statutes, are
21 amended to read:

22 **26-5.7-108. Voluntary alternative residence - lack of parental**
23 **agreement.** (1) If the youth and the youth's parent cannot agree on an
24 initial voluntary alternative residence within ~~two weeks~~ TWENTY-ONE
25 DAYS after admission to the alternative out-of-home residence, a referral
26 to the county department may be made.

27 (2) The licensed child care facility, ~~or the~~ licensed homeless youth

1 shelter, OR LICENSED HOST FAMILY HOME to which the youth has been
2 admitted may arrange for the establishment of a supervised independent
3 living arrangement or may arrange a voluntary residential agreement
4 between the youth and a relative or other responsible adult, a licensed
5 child care facility, or a licensed homeless youth shelter, OR A LICENSED
6 HOST FAMILY HOME if the youth has been admitted to a licensed child care
7 facility, or licensed homeless youth shelter, OR LICENSED HOST FAMILY
8 HOME and:

9 (a) ~~Two weeks~~ TWENTY-ONE DAYS have passed since admission;

10 **SECTION 4.** 26-5.9-103 (2), Colorado Revised Statutes, is
11 amended to read:

12 **26-5.9-103. Definitions.** As used in this article, unless the context
13 otherwise requires:

14 (2) "Homeless youth" means a youth who is at least ~~fifteen~~
15 ELEVEN years of age but is younger than twenty-one years of age and who
16 is not imprisoned or otherwise detained pursuant to a federal or state law
17 and who:

18 (a) Lacks a fixed, regular, and adequate nighttime residence; or

19 (b) Has a primary nighttime residence that is:

20 (I) A supervised, publicly or privately operated shelter designed
21 to provide temporary living accommodations; or

22 (II) A public or private place not designed for, nor ordinarily used
23 as, a regular sleeping accommodation for human beings.

24 **SECTION 5.** 26-6-102 (5.1), Colorado Revised Statutes, is
25 amended to read:

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

1 (5.1) "Homeless youth shelter" means a facility that, in addition
2 to other services it may provide, provides services and mass temporary
3 shelter for a period of three days or more to youths who are at least fifteen
4 ELEVEN years of age, or older, and who otherwise are homeless youth as
5 that term is defined in section 26-5.7-102 (2).

6 **SECTION 6.** 26-5.9-105, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **26-5.9-105. Administration.** (3) ON OR BEFORE JANUARY 15,
9 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE OFFICE OF
10 HOMELESS YOUTH SERVICES, IN CONJUNCTION WITH THE PREVENTION
11 SERVICES DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT AND THE DEPARTMENT OF EDUCATION, SHALL SUBMIT A
13 CONSOLIDATED REPORT TO THE GENERAL ASSEMBLY OF EXISTING REPORTS
14 RELATING TO PREVENTION, INTERVENTION, AND TREATMENT SERVICES
15 PROVIDED TO HOMELESS YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE
16 YEARS OF AGE BY THE DEPARTMENT OF HUMAN SERVICES, COUNTY
17 DEPARTMENTS OF SOCIAL SERVICES, AND OTHER STATE DEPARTMENTS
18 THAT OPERATE PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS
19 SERVING YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE YEARS OF AGE.
20 THE REPORT SHALL ALSO INCLUDE THE DATA THAT THE DEPARTMENT OF
21 EDUCATION ANNUALLY COMPILES ON THE NUMBER OF HOMELESS YOUTH
22 ENROLLED IN PUBLIC SCHOOLS IN THE STATE, THE TYPE OF HOMELESSNESS,
23 AND THE LIST OF SERVICES THAT ARE PROVIDED TO SUCH HOMELESS
24 YOUTH. THE CONSOLIDATED REPORT SHALL INCLUDE THE NUMBER OF
25 YOUTH SERVED, THE TYPES OF SERVICES PROVIDED, AND THE OUTCOMES
26 DERIVED FROM SUCH SERVICES.

27 **SECTION 7.** 26-6-106, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **26-6-106. Standards for facilities and agencies.** (5) THE STATE
3 BOARD SHALL PROMULGATE RULES TO DEFINE THE REQUIREMENTS FOR
4 LICENSURE FOR A LICENSED HOST FAMILY HOME SERVING HOMELESS
5 YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT", ARTICLE 5.7 OF THIS
6 TITLE.

7 **SECTION 8.** 19-3-205, Colorado Revised Statutes, is amended
8 to read:

9 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise
10 provided in this article, the jurisdiction of the court over any child
11 adjudicated as neglected or dependent shall continue until he becomes
12 twenty-one years of age unless earlier terminated by court order.

13 (2) COMMENCING JANUARY 1, 2012, THE COURT SHALL CONSIDER
14 THE INDIVIDUAL CIRCUMSTANCES OF EACH YOUTH IN OUT-OF-HOME
15 PLACEMENT WHO IS AT LEAST SEVENTEEN YEARS OF AGE BUT WHO HAS
16 NOT YET REACHED EIGHTEEN YEARS OF AGE TO DETERMINE IF THE YOUTH
17 IS READY TO BECOME INDEPENDENT UPON REACHING EIGHTEEN YEARS OF
18 AGE OR WHETHER THE YOUTH SHOULD REMAIN UNDER THE CARE AND
19 SUPERVISION OF THE COUNTY UNTIL THE YOUTH REACHES TWENTY-ONE
20 YEARS OF AGE UNLESS EARLIER TERMINATED BY COURT ORDER. THE
21 COURT SHALL DETERMINE IF THE YOUTH IS ENGAGED IN ONE OF THE
22 FOLLOWING ACTIVITIES:

23 (a) COMPLETING SECONDARY EDUCATION OR IS ENROLLED IN A
24 PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL;

25 (b) ENROLLED IN AN INSTITUTION THAT PROVIDES
26 POSTSECONDARY OR VOCATIONAL EDUCATION;

27 (c) PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO

1 PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;
2 (d) EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH; OR
3 (e) IF A YOUTH'S MEDICAL CONDITION MAKES HIM OR HER
4 INCAPABLE OF ENGAGING IN ANY OF THE ACTIVITIES DESCRIBED IN
5 PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (2), THE APPLICABLE COUNTY
6 DEPARTMENT SHALL MAINTAIN INFORMATION ABOUT THE YOUTH'S
7 CONDITION IN THE YOUTH'S CASE PLAN.

8 **SECTION 9. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part shall not take effect
15 unless approved by the people at the general election to be held in
16 November 2012 and shall take effect on the date of the official
17 declaration of the vote thereon by the governor.