

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 11-1079

BY REPRESENTATIVE(S) Casso, Conti, Duran, Fields, Fischer, Kagan, Kefalas, Labuda, Lee, Liston, Miklosi, Pace, Peniston, Schafer S., Solano, Todd, Vigil, Williams A., Wilson, Gardner B., Hamner, Massey, Nikkel, Pabon, Summers;

also SENATOR(S) Jahn, Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, King S., Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S.

CONCERNING METHODS TO REDUCE THE NUMBER OF HOMELESS YOUTH.

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

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

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

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

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

(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.

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

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

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

**26-5.7-105. Child care facilities - homeless youth shelters - authority - duties.** (1) Licensed child care facilities, ~~and~~ licensed homeless youth shelters, AND LICENSED HOST FAMILY HOMES 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, OR LICENSED HOST FAMILY HOME 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, OR LICENSED HOST FAMILY HOME described in subsection (1) of this section for a period not to exceed ~~two weeks~~ TWENTY-ONE DAYS from the time of intake except as otherwise provided in this article. 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 forty-eight

hours, excluding Saturdays, Sundays, and legal holidays, 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 ~~two-week~~ 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 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, AND LICENSED HOST FAMILY HOME. 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, AND LICENSED HOST FAMILY HOME shall provide each resident youth and the youth's parent with a copy of the statement.

(4) WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO A LICENSED CHILD CARE FACILITY, 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 OF THE COUNTY OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO HOURS OF THE YOUTH'S ADMISSION.

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

(6) A LICENSED FAMILY FOSTER 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 AGAIN TO THE LICENSED CHILD CARE FACILITY, LICENSED HOMELESS YOUTH SHELTER, OR LICENSED HOST FAMILY HOME AFTER LEAVING THE FACILITY, 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 OF RESIDENCE OF THE PARENTS OF THE YOUTH.

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

**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~~ TWENTY-ONE DAYS 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, 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, ~~or~~ a 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:

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

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

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

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

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

(b) Has a primary nighttime residence that is:

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

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

**SECTION 5.** 26-6-102 (5.1), Colorado Revised Statutes, is amended 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~~ ELEVEN years of age, or older, and who otherwise are homeless youth as that term is defined in section 26-5.7-102 (2).

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

**26-5.9-105. Administration.** (3) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE OFFICE OF HOMELESS YOUTH SERVICES, IN CONJUNCTION WITH THE PREVENTION SERVICES DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF EDUCATION, SHALL SUBMIT A CONSOLIDATED REPORT TO THE GENERAL ASSEMBLY OF EXISTING REPORTS RELATING TO PREVENTION, INTERVENTION, AND TREATMENT SERVICES PROVIDED TO HOMELESS YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE YEARS OF AGE BY THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND OTHER STATE DEPARTMENTS THAT OPERATE PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS SERVING YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE YEARS OF AGE. THE REPORT SHALL ALSO INCLUDE THE DATA THAT THE DEPARTMENT OF EDUCATION ANNUALLY COMPILES ON THE NUMBER OF HOMELESS YOUTH ENROLLED IN PUBLIC SCHOOLS IN THE STATE, THE TYPE OF HOMELESSNESS,

AND THE LIST OF SERVICES THAT ARE PROVIDED TO SUCH HOMELESS YOUTH. THE CONSOLIDATED REPORT SHALL INCLUDE THE NUMBER OF YOUTH SERVED, THE TYPES OF SERVICES PROVIDED, AND THE OUTCOMES DERIVED FROM SUCH SERVICES.

**SECTION 7.** 26-6-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**26-6-106. Standards for facilities and agencies.** (5) 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.

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

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

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

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

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

(c) PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

(d) EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH; OR

(e) IF A YOUTH'S MEDICAL CONDITION MAKES HIM OR HER INCAPABLE OF ENGAGING IN ANY OF THE ACTIVITIES DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (2), THE APPLICABLE COUNTY DEPARTMENT SHALL MAINTAIN INFORMATION ABOUT THE YOUTH'S CONDITION IN THE YOUTH'S CASE PLAN.

**SECTION 9. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless

approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO