

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2011
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB11-1079 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

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

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

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

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

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

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

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

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

19 (3.5) "LICENSED HOST FAMILY HOME" MEANS A HOME THAT MEETS
20 THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD BY RULE
21 PURSUANT TO SECTION 26-6-106 (5).

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

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

3 **26-5.7-105. Child care facilities - homeless youth shelters -**
4 **authority - duties.** (1) Licensed child care facilities, ~~and~~ licensed
5 homeless youth shelters, AND LICENSED HOST FAMILY HOMES may provide
6 both crisis intervention services and alternative residential services to
7 homeless youth.

8 (2) Any youth admitted to a licensed child care facility, ~~or~~ licensed
9 homeless youth shelter, OR LICENSED HOST FAMILY HOME pursuant to this
10 article and who is not returned to the home of the youth's parent or is not
11 placed in a voluntary alternative residential placement pursuant to section
12 26-5.7-107 shall reside at a facility, ~~or~~ shelter, OR LICENSED HOST FAMILY
13 HOME described in subsection (1) of this section for a period not to exceed
14 ~~two weeks~~ TWENTY-ONE DAYS from the time of intake except as
15 otherwise provided in this article. A licensed child care facility, ~~or~~
16 licensed homeless youth shelter, OR A LICENSED HOST FAMILY HOME shall
17 make a concerted effort to achieve a reconciliation of the family. If a
18 reconciliation and voluntary return of the youth have not been achieved
19 within forty-eight hours, excluding Saturdays, Sundays, and legal
20 holidays, from the time of intake and THE DIRECTOR OF the facility OR
21 SHELTER, OR OTHER PERSON IN CHARGE, does not consider it likely that
22 reconciliation will be achieved within the ~~two-week~~ TWENTY-ONE-DAY
23 period, then the director of the facility or shelter, or other person in
24 charge, shall provide the youth and the youth's parent with a statement
25 identifying:

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

29 (3) The state department shall develop a written statement of the
30 rights and counseling services set forth in subsection (2) of this section
31 and shall distribute the statement to each law enforcement agency,
32 licensed child care facility, ~~and~~ licensed homeless youth shelter, AND
33 LICENSED HOST FAMILY HOME. Each law enforcement officer taking a
34 youth into custody pursuant to this article shall provide the youth and the
35 youth's parent with a copy of the statement. Each licensed child care
36 facility, ~~and~~ licensed homeless youth shelter, AND LICENSED HOST FAMILY
37 HOME shall provide each resident youth and the youth's parent with a copy
38 of the statement.

39 (4) WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO
40 A LICENSED CHILD CARE FACILITY, LICENSED HOMELESS YOUTH SHELTER,
41 OR LICENSED HOST FAMILY HOME, THE DIRECTOR OF THE FACILITY,

1 SHELTER, OR OTHER PERSON IN CHARGE SHALL NOTIFY THE COUNTY
2 DEPARTMENT OF THE COUNTY OF RESIDENCE OF THE PARENTS OF THE
3 YOUTH WITHIN SEVENTY-TWO HOURS OF THE YOUTH'S ADMISSION.

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

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

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

21 **SECTION 3.** 26-5.7-108 (1), the introductory portion to
22 26-5.7-108 (2), and 26-5.7-108 (2) (a), Colorado Revised Statutes, are
23 amended to read:

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

29 (2) The licensed child care facility, ~~or the~~ licensed homeless youth
30 shelter, OR LICENSED HOST FAMILY HOME to which the youth has been
31 admitted may arrange for the establishment of a supervised independent
32 living arrangement or may arrange a voluntary residential agreement
33 between the youth and a relative or other responsible adult, a licensed
34 child care facility, ~~or~~ a licensed homeless youth shelter, OR A LICENSED
35 HOST FAMILY HOME if the youth has been admitted to a licensed child care
36 facility, ~~or~~ licensed homeless youth shelter, OR LICENSED HOST FAMILY
37 HOME and:

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

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

41 **26-5.9-103. Definitions.** As used in this article, unless the context

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

- 6 (a) Lacks a fixed, regular, and adequate nighttime residence; or
- 7 (b) Has a primary nighttime residence that is:
 - 8 (I) A supervised, publicly or privately operated shelter designed
 - 9 to provide temporary living accommodations; or
 - 10 (II) A public or private place not designed for, nor ordinarily used
 - 11 as, a regular sleeping accommodation for human beings.

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

14 **26-6-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (5.1) "Homeless youth shelter" means a facility that, in addition
17 to other services it may provide, provides services and mass temporary
18 shelter for a period of three days or more to youths who are at least ~~fifteen~~
19 ELEVEN years of age, or older, and who otherwise are homeless youth as
20 that term is defined in section 26-5.7-102 (2).

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

23 **26-5.9-105. Administration.** (3) ON OR BEFORE JANUARY 15,
24 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE OFFICE OF
25 HOMELESS YOUTH SERVICES, IN CONJUNCTION WITH THE PREVENTION
26 SERVICES DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT AND THE DEPARTMENT OF EDUCATION, SHALL SUBMIT A
28 CONSOLIDATED REPORT TO THE GENERAL ASSEMBLY OF EXISTING REPORTS
29 RELATING TO PREVENTION, INTERVENTION, AND TREATMENT SERVICES
30 PROVIDED TO HOMELESS YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE
31 YEARS OF AGE BY THE DEPARTMENT OF HUMAN SERVICES, COUNTY
32 DEPARTMENTS OF SOCIAL SERVICES, AND OTHER STATE DEPARTMENTS
33 THAT OPERATE PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS
34 SERVING YOUTH EIGHTEEN YEARS OF AGE TO TWENTY-ONE YEARS OF AGE.
35 THE REPORT SHALL ALSO INCLUDE THE DATA THAT THE DEPARTMENT OF
36 EDUCATION ANNUALLY COMPILES ON THE NUMBER OF HOMELESS YOUTH
37 ENROLLED IN PUBLIC SCHOOLS IN THE STATE, THE TYPE OF HOMELESSNESS,
38 AND THE LIST OF SERVICES THAT ARE PROVIDED TO SUCH HOMELESS
39 YOUTH. THE CONSOLIDATED REPORT SHALL INCLUDE THE NUMBER OF
40 YOUTH SERVED, THE TYPES OF SERVICES PROVIDED, AND THE OUTCOMES
41 DERIVED FROM SUCH SERVICES.

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

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

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

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

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

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

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

35 **SECTION 9. Act subject to petition - effective date.** This act
36 shall take effect at 12:01 a.m. on the day following the expiration of the
37 ninety-day period after final adjournment of the general assembly (August
38 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
39 referendum petition is filed pursuant to section 1 (3) of article V of the
40 state constitution against this act or an item, section, or part of this act
41 within such period, then the act, item, section, or part shall not take effect

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

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