

**Effective 5/13/2014**

**Superseded 5/8/2018**

**62A-4a-501 Harboring a runaway -- Reporting requirements -- Division to provide assistance -- Affirmative defense -- Providing shelter after notice.**

- (1) As used in this section:
  - (a) "Harbor" means to provide shelter in:
    - (i) the home of the person who is providing the shelter; or
    - (ii) any structure over which the person providing the shelter has any control.
  - (b) "Receiving center" is as defined in Section 62A-7-101.
  - (c) "Runaway" means a minor, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the parent or legal guardian of the minor without the permission of the parent or legal guardian.
  - (d) "Temporary homeless youth shelter" means a facility that:
    - (i) provides temporary shelter to a runaway; and
    - (ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a residential support program.
  - (e) "Youth services center" means a center established by, or under contract with, the Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth services, as defined in Section 62A-7-101.
- (2) Except as provided in Subsection (3), a person is guilty of a class B misdemeanor if the person:
  - (a) knowingly and intentionally harbors a minor;
  - (b) knows at the time of harboring the minor that the minor is a runaway;
  - (c) fails to notify one of the following, by telephone or other reasonable means, of the location of the minor:
    - (i) the parent or legal guardian of the minor;
    - (ii) the division; or
    - (iii) a youth services center; and
  - (d) fails to notify a person described in Subsection (2)(c) within eight hours after the later of:
    - (i) the time that the person becomes aware that the minor is a runaway; or
    - (ii) the time that the person begins harboring the minor.
- (3) A person described in Subsection (2) is not guilty of a violation of Subsection (2) and is not required to comply with Subsections (2)(c) and (d), if:
  - (a) a court order is issued authorizing a peace officer to take the minor into custody; and
  - (b) the person notifies a peace officer or the nearest detention center, as defined in Section 62A-7-101, by telephone or other reasonable means, of the location of the minor, within eight hours after the later of:
    - (i) the time that the person becomes aware that the minor is a runaway; or
    - (ii) the time that the person begins harboring the minor.
- (4) Nothing in this section limits the obligation of a person to report child abuse or neglect in accordance with Section 62A-4a-403.
- (5) Except as provided in Subsection (6), a temporary homeless youth shelter shall notify:
  - (a) the parent or legal guardian of a minor within eight hours after the later of:
    - (i) the time that the temporary homeless youth shelter becomes aware that the minor is a runaway; or
    - (ii) the time that the temporary homeless youth shelter begins harboring the minor; and
  - (b) the division or a youth services center, within 48 hours after the later of:
    - (i) the time that the temporary homeless youth shelter becomes aware that a minor is a runaway; or

- (ii) the time that the temporary homeless youth shelter begins harboring the minor.
- (6) A temporary homeless youth shelter is not required to comply with Subsection (5) if:
- (a) a court order is issued authorizing a peace officer to take the minor into custody; and
  - (b) the temporary homeless youth shelter notifies a peace officer or the nearest detention center, as defined in Section 62A-7-101, by telephone or other reasonable means, of the location of the minor, within eight hours after the later of:
    - (i) the time that the person becomes aware that the minor is a runaway; or
    - (ii) the time that the person begins harboring the minor.
- (7) It is an affirmative defense to the crime described in Subsection (2) that:
- (a) the person failed to provide notice as described in Subsection (2) or (3) due to circumstances beyond the control of the person providing the shelter; and
  - (b) the person provided the notice described in Subsection (2) or (3) as soon as it was reasonably practicable to provide the notice.
- (8) Upon receipt of a report that a runaway is being harbored by a person:
- (a) a youth services center shall:
    - (i) notify the parent or legal guardian that a report has been made; and
    - (ii) inform the parent or legal guardian of assistance available from the youth services center; or
  - (b) the division shall:
    - (i) determine whether the runaway is abused, neglected, or dependent; and
    - (ii) if appropriate, make a referral for services for the runaway.
- (9) A parent or legal guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway. The local law enforcement agency may assist the parent or legal guardian in retrieving the runaway.
- (10) Nothing in this section prohibits a person or a temporary homeless youth shelter from continuing to provide shelter to a runaway, after giving the notice described in Subsections (2) through (6), if:
- (a) a parent or legal guardian of the minor consents to the continued provision of shelter; or
  - (b) a peace officer or a parent or legal guardian of the minor fails to retrieve the runaway.
- (11) Nothing in this section prohibits a person or a temporary homeless youth shelter from providing shelter to a non-emancipated minor whose parents or legal guardians have intentionally:
- (a) ceased to maintain physical custody of the minor;
  - (b) failed to make reasonable arrangements for the safety, care, and physical custody of the minor; and
  - (c) failed to provide the minor with food, shelter, or clothing.
- (12) Nothing in this section prohibits:
- (a) a receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the rules relating to a receiving center or a youth services center; or
  - (b) a government agency from taking custody of a minor as otherwise provided by law.