

Effective 5/14/2019

Renumbered 9/1/2021

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) "Homeless youth" means a child, other than an emancipated minor:

- (i) who is a runaway; or
- (ii) who is not accompanied by the child's parent or legal guardian.

(c) "Receiving center" means the same as that term is defined in Section 62A-7-101.

(d) "Runaway" means a child, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the child's parent or legal guardian without the permission of the parent or legal guardian.

(e) "Temporary homeless youth shelter" means a facility that:

- (i) provides temporary shelter to a homeless youth; and
- (ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a residential support program.

(f) "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, including a temporary homeless youth shelter, is guilty of a class B misdemeanor if the person:

(a) knowingly and intentionally harbors a child;

(b) knows at the time of harboring the child that the child is a runaway;

(c) fails to notify one of the following, by telephone or other reasonable means, of the location of the child:

- (i) the parent or legal guardian of the child;
- (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 child is a runaway; or
- (ii) the time that the person begins harboring the child.

(3) A person described in Subsection (2), including a temporary homeless youth shelter, is not guilty of a violation of Subsection (2) and is not required to comply with Subsections (2)(c) and (d), if:

(a)

(i) a court order is issued authorizing a peace officer to take the child into custody; and

(ii) 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 child, within eight hours after the later of:

- (A) the time that the person becomes aware that the child is a runaway; or
- (B) the time that the person begins harboring the child; or

(b)

(i) the child is a runaway who consents to shelter, care, or licensed services under Section 62A-4a-502; and

(ii)

- (A) the person is unable to locate the child's parent or legal guardian; or
 - (B) the child refuses to disclose the contact information for the child's parent or legal guardian.
- (4) A person described in Subsection (2), including a temporary homeless youth shelter, shall provide a report to the division:
- (a) if the person has an obligation under Section 62A-4a-403 to report child abuse or neglect; or
 - (b) if, within 48 hours after the person begins harboring the child:
 - (i) the person continues to harbor the child; and
 - (ii) the person does not make direct contact with:
 - (A) a parent or legal guardian of the child;
 - (B) the division;
 - (C) a youth services center; or
 - (D) a peace officer or the nearest detention center, as defined in Section 62A-7-101, if a court order is issued authorizing a peace officer to take the child into custody.
- (5) 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.
- (6) 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.
- (7)
- (a) 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.
 - (b) The local law enforcement agency may assist the parent or legal guardian in retrieving the runaway.
- (8) Nothing in this section prohibits a person, including a temporary homeless youth shelter, from continuing to provide shelter to a runaway, after giving the notice described in Subsections (2) through (4), if:
- (a) a parent or legal guardian of the child consents to the continued provision of shelter; or
 - (b) a peace officer or a parent or legal guardian of the child fails to retrieve the runaway.
- (9) Nothing in this section prohibits a person or a temporary homeless youth shelter from providing shelter to a child whose parent or legal guardian has intentionally:
- (a) ceased to maintain physical custody of the child; and
 - (b) failed to make reasonable arrangements for the safety, care, and physical custody of the child.
- (10) 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 child as otherwise provided by law.