

1 **TEMPORARY HOMELESS YOUTH SHELTER AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gage Froerer**

5 Senate Sponsor: Allen M. Christensen

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts and modifies provisions relating to temporary homeless youth shelters.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ grants the Office of Licensing rulemaking authority to make rules establishing
13 age-appropriate and gender-appropriate sleeping quarters in temporary homeless
14 youth shelters;

15 ▶ requires a temporary homeless youth shelter to notify the Division of Child and
16 Family Services or a youth services center within 48 hours after the later of:

17 • the time that the temporary homeless youth shelter becomes aware that the
18 minor is a runaway; or

19 • the time that the temporary homeless youth shelter begins harboring the minor;
20 and

21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **62A-4a-501**, as last amended by Laws of Utah 2009, Chapter 19

29 ENACTS:

30 **62A-2-108.8**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **62A-2-108.8** is enacted to read:

33 **62A-2-108.8. Residential support program -- Temporary homeless youth shelter.**

34 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
35 office shall make rules that establish age-appropriate and gender-appropriate sleeping quarters
36 in temporary homeless youth shelters, as defined in Section **62A-4a-501**, that provide overnight
37 shelter to minors.

38 Section 2. Section **62A-4a-501** is amended to read:

39 **62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to**
40 **provide assistance -- Affirmative defense -- Providing shelter after notice.**

41 (1) As used in this section:

42 (a) "Harbor" means to provide shelter in:

43 (i) the home of the person who is providing the shelter; or

44 (ii) any structure over which the person providing the shelter has any control.

45 [~~(b) "Promptly" means within eight hours after the later of:~~]

46 [~~(i) the time that the person becomes aware that the minor is a runaway; or~~]

47 [~~(ii) the time that the person begins harboring the minor.~~]

48 [~~(c)~~] (b) "Receiving center" is as defined in Section **62A-7-101**.

49 [~~(d)~~] (c) "Runaway" means a minor, other than an emancipated minor, who is absent
50 from the home or lawfully prescribed residence of the parent or legal guardian of the minor
51 without the permission of the parent or legal guardian.

52 [~~(e)~~] (d) "Temporary homeless youth shelter" means a facility that:

53 (i) provides temporary shelter to a runaway; and

54 (ii) is licensed by the Office of Licensing, created in Section **62A-1-105**, as a
55 residential support program.

56 [~~(f)~~] (e) "Youth services center" means a center established by, or under contract with,
57 the Division of Juvenile Justice Services, created in Section **62A-1-105**, to provide youth
58

59 services, as defined in Section [62A-7-101](#).

60 (2) ~~[A]~~ Except as provided in Subsection (3), a person is guilty of a class B
61 misdemeanor if the person:

62 (a) knowingly and intentionally harbors a minor;

63 (b) knows at the time of harboring the minor that the minor is a runaway; ~~[and]~~

64 (c) ~~[except as provided in Subsection (3),]~~ fails to ~~[promptly]~~ notify one of the
65 following, by telephone or other reasonable means, of the location of the minor:

66 (i) the parent or legal guardian of the minor;

67 (ii) the division; or

68 (iii) a youth services center~~[-]~~; and

69 (d) fails to notify a person described in Subsection (2)(c) within eight hours after the
70 later of:

71 (i) the time that the person becomes aware that the minor is a runaway; or

72 (ii) the time that the person begins harboring the minor.

73 (3) A person described in Subsection (2) is not guilty of a violation of Subsection (2)
74 and is not required to comply with ~~[Subsection]~~ Subsections (2)(c) and (d), if:

75 (a) a court order is issued authorizing a peace officer to take the minor into custody;
76 and

77 (b) the person ~~[promptly]~~ notifies a peace officer or the nearest detention center, as
78 defined in Section [62A-7-101](#), by telephone or other reasonable means, of the location of the
79 minor~~[-]~~, within eight hours after the later of:

80 (i) the time that the person becomes aware that the minor is a runaway; or

81 (ii) the time that the person begins harboring the minor.

82 (4) Nothing in this section limits the obligation of a person to report child abuse or
83 neglect in accordance with Section [62A-4a-403](#).

84 (5) Except as provided in Subsection (6), a temporary homeless youth shelter shall
85 notify:

86 (a) the parent or legal guardian of a minor within eight hours after the later of:

87 (i) the time that the temporary homeless youth shelter becomes aware that the minor is
88 a runaway; or

89 (ii) the time that the temporary homeless youth shelter begins harboring the minor; and

90 (b) the division or a youth services center, within 48 hours after the later of:
 91 (i) the time that the temporary homeless youth shelter becomes aware that a minor is a
 92 runaway; or

93 (ii) the time that the temporary homeless youth shelter begins harboring the minor.

94 (6) A temporary homeless youth shelter is not required to comply with Subsection (5)
 95 if:

96 (a) a court order is issued authorizing a peace officer to take the minor into custody;
 97 and

98 (b) the temporary homeless youth shelter notifies a peace officer or the nearest
 99 detention center, as defined in Section 62A-7-101, by telephone or other reasonable means, of
 100 the location of the minor, within eight hours after the later of:

101 (i) the time that the person becomes aware that the minor is a runaway; or

102 (ii) the time that the person begins harboring the minor.

103 ~~[(4)]~~ (7) It is an affirmative defense to the crime described in Subsection (2) that:

104 (a) the person failed to ~~[promptly]~~ provide notice as described in Subsection (2)~~[(c)]~~ or
 105 (3) due to circumstances beyond the control of the person providing the shelter; and

106 (b) the person provided the notice described in Subsection (2)~~[(c)]~~ or (3) as soon as it
 107 was reasonably practicable to ~~[do so]~~ provide the notice.

108 ~~[(5)]~~ (8) Upon receipt of a report that a runaway is being harbored by a person:

109 (a) a youth services center shall:

110 (i) notify the parent or legal guardian that a report has been made; and

111 (ii) inform the parent or legal guardian of assistance available from the youth services
 112 center; or

113 (b) the division shall:

114 (i) determine whether the runaway is abused, neglected, or dependent; and

115 (ii) if appropriate, make a referral for services for the runaway.

116 ~~[(6)]~~ (9) A parent or legal guardian of a runaway who is aware that the runaway is
 117 being harbored may notify a law enforcement agency and request assistance in retrieving the
 118 runaway. The local law enforcement agency may assist the parent or legal guardian in
 119 retrieving the runaway.

120 ~~[(7)]~~ (10) Nothing in this section prohibits ~~[an individual]~~ a person or a temporary

121 homeless youth shelter from continuing to provide shelter to a runaway, after giving the notice
122 described in [~~Subsection (2)(c) or (3)~~] Subsections (2) through (6), if:

123 (a) a parent or legal guardian of the minor consents to the continued provision of
124 shelter; or

125 (b) a peace officer or a parent or legal guardian of the minor fails to retrieve the
126 runaway.

127 [~~(8)~~] (11) Nothing in this section prohibits [~~an individual~~] a person or a temporary
128 homeless youth shelter from providing shelter to a non-emancipated minor whose parents or
129 legal guardians have intentionally:

130 (a) ceased to maintain physical custody of the minor;

131 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
132 the minor; and

133 (c) failed to provide the minor with food, shelter, or clothing.

134 [~~(9)~~] (12) Nothing in this section prohibits:

135 (a) a receiving center or a youth services center from providing shelter to a runaway in
136 accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the
137 rules relating to a receiving center or a youth services center; or

138 (b) a government agency from taking custody of a minor as otherwise provided by law.

139 [~~(10) Nothing in this section releases a person from the obligation, under Section~~
140 ~~62A-4a-403, to report abuse or neglect of a child.~~]

Legislative Review Note
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Office of Legislative Research and General Counsel