

28 62A-4a-501, as last amended by Laws of Utah 2018, Chapter 235

29 ENACTS:

30 62A-4a-502, Utah Code Annotated 1953



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

33 Section 1. Section 62A-4a-501 is amended to read:

34 **62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to**  
35 **provide assistance -- Affirmative defense -- Providing shelter after notice.**

36 (1) As used in this section:

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

- 38 (i) the home of the person who is providing the shelter; or
- 39 (ii) any structure over which the person providing the shelter has any control.

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

- 41 (i) who is a runaway; or
- 42 (ii) ~~H~~→ [whose] who is not accompanied by the child's ~~←H~~ parent or legal guardian

42a ~~H~~→ [has intentionally ceased to maintain physical  
43 custody of the child] ~~←H~~ .

44 [(b)] (c) "Receiving center" means the same as that term is defined in Section  
45 62A-7-101.

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

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

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

53 [(e)] (f) "Youth services center" means a center established by, or under contract with,  
54 the Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth  
55 services, as defined in Section 62A-7-101.

56 (2) Except as provided in Subsection (3), a person, including a temporary homeless  
57 youth shelter, is guilty of a class B misdemeanor if the person:

- 58 (a) knowingly and intentionally harbors a child;

59 (b) knows at the time of harboring the child that the child is a runaway;  
60 (c) fails to notify one of the following, by telephone or other reasonable means, of the  
61 location of the child:

- 62 (i) the parent or legal guardian of the child;
- 63 (ii) the division; or
- 64 (iii) a youth services center; and

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

- 67 (i) the time that the person becomes aware that the child is a runaway; or
- 68 (ii) the time that the person begins harboring the child.

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

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

74 ~~[(b)]~~ (ii) the person notifies a peace officer or the nearest detention center, as defined in  
75 Section 62A-7-101, by telephone or other reasonable means, of the location of the child, within  
76 eight hours after the later of:

- 77 ~~[(i)]~~ (A) the time that the person becomes aware that the child is a runaway; or
- 78 ~~[(ii)]~~ (B) the time that the person begins harboring the child~~[-];~~ or

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

81 (ii) (A) ~~H~~→ [the person determines contacting the child's parent or legal guardian is not in  
82 the child's best interest;

83 ~~—(B)]~~ ~~←H~~ the person is unable to locate the child's parent or legal guardian; or

84 ~~H~~→ ~~[(C)]~~ (B) ←H the child refuses to disclose the contact information for the child's parent  
84a or legal  
85 guardian.

86 (4) A person described in Subsection (2), including a temporary homeless youth  
87 shelter, shall provide a report to the division:

88 (a) if the person has an obligation under Section 62A-4a-403 to report child abuse or  
89 neglect; or

152 Section 62A-4a-501.

153 (f) "Youth services center" means the same as that term is defined in Section  
154 62A-4a-501.

155 (2) A homeless youth may consent to temporary shelter, care, or licensed services if the  
156 homeless youth:

157 (a) is at least 15 years old; ~~H→ H→ [f]~~ and [f] ~~←H ←H~~

158 (b) manages the homeless youth's own financial affairs, regardless of the source of  
159 income ~~H→ H→ [f]~~ . ~~[f];~~ and

159a ~~—— (c) is not in the physical custody of the homeless youth's parent or guardian.]~~ ~~←H ←H~~

160 (3) In determining consent under Subsection (2), a person may rely on the homeless  
161 youth's verbal or written statement describing the homeless youth's ability to consent to  
162 temporary shelter, care, or licensed services.

163 (4) A person who provides shelter, care, or licensed services to a homeless youth who  
164 consents to the shelter, care, or licensed services under Subsection (2):

165 (a) shall report to the division as required under Section ~~H→ [62-4a-403]~~ 62A-4a-403 ~~←H~~  
165a and Subsection

166 62A-4a-501(4); and

167 (b) may provide the homeless youth a referral to safe permanent housing, employment  
168 services, medical or dental care, or counseling.