

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

29 ENACTS:

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

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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) ~~who is~~ **whose** who is not accompanied by the child's ~~parent or legal guardian~~

42a ~~parent or legal guardian~~ **has intentionally ceased to maintain physical**

43 **custody of the child** ~~parent or legal guardian~~ .

44 (c) "Receiving center" means the same as that term is defined in Section

45 **62A-7-101**.

46 (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 (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 (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

90 (b) if, within 48 hours after the person begins harboring the child:
91 (i) the person continues to harbor the child; and
92 (ii) the person does not make direct contact with:
93 (A) a parent or legal guardian of the child;
94 (B) the division;
95 (C) a youth services center; or
96 (D) a peace officer or the nearest detention center, as defined in Section 62A-7-101, if
97 a court order is issued authorizing a peace officer to take the ~~minor~~ child into custody.

98 (5) It is an affirmative defense to the crime described in Subsection (2) that:
99 (a) the person failed to provide notice as described in Subsection (2) or (3) due to

100 circumstances beyond the control of the person providing the shelter; and
101 (b) the person provided the notice described in Subsection (2) or (3) as soon as it was
102 reasonably practicable to provide the notice.

103 (6) Upon receipt of a report that a runaway is being harbored by a person:
104 (a) a youth services center shall:
105 (i) notify the parent or legal guardian that a report has been made; and
106 (ii) inform the parent or legal guardian of assistance available from the youth services
107 center; or

108 (b) the division shall:
109 (i) determine whether the runaway is abused, neglected, or dependent; and
110 (ii) if appropriate, make a referral for services for the runaway.

111 (7) (a) A parent or legal guardian of a runaway who is aware that the runaway is being
112 harbored may notify a law enforcement agency and request assistance in retrieving the
113 runaway.

114 (b) The local law enforcement agency may assist the parent or legal guardian in
115 retrieving the runaway.

116 (8) Nothing in this section prohibits a person, including a temporary homeless youth
117 shelter, from continuing to provide shelter to a runaway, after giving the notice described in
118 Subsections (2) through (4), if:

119 (a) a parent or legal guardian of the child consents to the continued provision of
120 shelter; or

121 (b) a peace officer or a parent or legal guardian of the child fails to retrieve the
122 runaway.

123 (9) Nothing in this section prohibits a person or a temporary homeless youth shelter
124 from providing shelter to a child whose ~~[parents]~~ parent or legal ~~[guardians have]~~ guardian has
125 intentionally:

126 (a) ceased to maintain physical custody of the child; and

127 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
128 the child~~;~~ and].

129 ~~[(c) failed to provide the child with food, shelter, or clothing.]~~

130 (10) Nothing in this section prohibits:

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

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

135 Section 2. Section **62A-4a-502** is enacted to read:

136 **62A-4a-502. Consent to shelter, care, or services by a child.**

137 (1) As used in this section:

138 (a) "Care" means providing:

139 (i) assistance to obtain food, clothing, hygiene products, or other basic necessities;

140 (ii) access to a bed, showering facility, or transportation; or

141 (iii) assistance with school enrollment or attendance.

142 (b) "Homeless youth" means the same as that term is defined in Section [62A-4a-501](#).

143 (c) "Licensed services" means a service provided by a temporary homeless youth
144 shelter, a youth services center, or other facility that is licensed to provide the service to a
145 homeless youth.

146 (d) "Service" means:

147 (i) youth services, as defined in Section [62A-7-101](#);

148 (ii) child welfare or juvenile court case management or advocacy;

149 (iii) aftercare services, as defined in 45 C.F.R. 1351.1; or

150 (iv) independent living skills training.

151 (e) "Temporary homeless youth shelter" means the same as that term is defined in

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; ~~it~~ ~~and~~ ~~it~~

158 (b) manages the homeless youth's own financial affairs, regardless of the source of
159 income ~~it~~ ~~;~~ ~~and~~

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

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 ~~it~~ ~~[62-4a-403]~~ ~~62A-4a-403~~ ~~it~~
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.