

2001 ASSEMBLY BILL 763

January 31, 2002 – Introduced by Representatives KAUFERT, ALBERS, HAHN, HINES, OWENS, TOWNSEND and TURNER, cosponsored by Senators DARLING, WELCH and BURKE. Referred to Committee on Criminal Justice.

- 1 **AN ACT to create** 948.47 of the statutes; **relating to:** harboring a child runaway
2 without the consent of the child's parent or guardian and providing a penalty.
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Analysis by the Legislative Reference Bureau

Under current law a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or her parent or guardian consent to the provision of housing or services. If the parent or guardian does not consent, the foster home, group home, or shelter must notify the agency responsible for providing child welfare services of the child's presence in the home or shelter within 12 hours of the child's arrival at the home or shelter. After such notification, a hearing is held to determine whether the child must be returned to the parent or guardian or permitted to stay at the foster home, group home, or shelter for up to 20 days. A child runaway may not remain at a foster home, group home, or shelter for longer than 20 days unless the state files a petition alleging that the child or juvenile is in need of protection or services. Current law does not provide for a person who is not licensed as a foster parent or as a group home or shelter service provider to house a child runaway.

This bill imposes criminal penalties on any person who receives a child runaway into his or her home, if the person knows or reasonably should know that the child is a child runaway and the person fails to notify the police or child welfare agency of the child's presence in his or her home immediately after the child arrives in the home or after the person discovers that the child is a child runaway, whichever is later. The bill defines a "child runaway" as a child who is absent from the home of his or her parent or guardian without the consent of the parent or guardian and who does not intend to return to that home.

