

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0233.03 Conrad Imel x2313

HOUSE BILL 22-1056

HOUSE SPONSORSHIP

Michaelson Jenet and Gonzales-Gutierrez,

SENATE SPONSORSHIP

Moreno,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EMERGENCY TEMPORARY CARE FOR CHILDREN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill permits county departments of human or social services (county departments) to enter into an agreement with one or more facilities to provide emergency temporary shelter to children who are neglected and dependent, who are taken into temporary custody, or who have had contact with law enforcement and are unable to return home. "Emergency temporary shelter" is described in the bill as the temporary

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

care of a child in a physically unrestricted setting for no more than 5 days, pending a return to the child's home or placement in an alternate setting. Receiving temporary care in emergency temporary shelter is voluntary, and a child may leave emergency temporary shelter at any time.

A county department may contract with any of the following facilities to provide emergency temporary shelter in the county: Group care facilities and homes or a foster care home, homeless youth shelter, residential child care facility, respite child care center, specialized group facility, or any other licensed or certified 24-hour nonsecure care and treatment facility away from the child's parent or guardian. A county can enter into agreements with more than one facility, and 2 or more counties may jointly enter into an agreement with a facility.

The bill requires the general assembly to appropriate money to the state department of human services (state department) for emergency temporary shelter services. The state department allocates the money to a county after approving the county's emergency temporary shelter plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-2.5-1407, **amend**
3 (1); and **add** (3) as follows:

4 **19-2.5-1407. Appropriations to department of human services**
5 **for services to juveniles - definition - repeal.** (1) The general assembly
6 shall appropriate money for the provision of services to juveniles to the
7 department of human services. The department of human services shall
8 allocate such money by each judicial district in the state. The
9 appropriation and allocation must be made based upon the formula
10 developed pursuant to ~~section 19-2.5-1404 (1)(b)~~ SECTION 19-2.5-1404
11 (1)(b)(V). The department of human services shall administer the
12 appropriated money. The money appropriated to the department of human
13 services for allocation by each judicial district must be expended in the
14 judicial district by the department of human services for services to
15 juveniles that are intended to prevent the juvenile from being held in
16 detention prior to adjudication, INCLUDING IMPLEMENTING OPTIONS

1 PROVIDED IN THE SCREENING INSTRUMENT DESCRIBED IN SECTION
2 19-2.5-1404; sentenced to detention; or committed to the department of
3 human services or to reduce the length of time the juvenile is held in
4 preadjudication or postadjudication detention or held in a commitment
5 facility operated pursuant to section 19-2.5-1502. If a judicial district has
6 a local juvenile services planning committee, the expenditure of money
7 for juvenile services in the judicial district must be made in accordance
8 with the plan developed pursuant to section 19-2.5-302.

9 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
10 MONEY TO THE DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF
11 TEMPORARY SHELTER FOR JUVENILES BY JUDICIAL DISTRICTS. THE
12 GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT SUFFICIENT TO
13 FUND FIVE NIGHTS OF CARE FOR EACH JUVENILE WHO, BASED ON THE
14 RESULTS OF A SCREENING BY THE JUDICIAL DISTRICT'S SCREENING TEAM,
15 IS SCREENED TO TEMPORARY CARE IN A LICENSED TEMPORARY SHELTER
16 FACILITY.

17 (b) ON OR BEFORE NOVEMBER 1, 2022, AND ANNUALLY
18 THEREAFTER, THE DEPARTMENT SHALL ALLOCATE MONEY TO JUDICIAL
19 DISTRICTS IN ACCORDANCE WITH THE FORMULA DEVELOPED PURSUANT TO
20 SECTION 19-2.5-1404 (1)(b)(X).

21 (c) (I) (A) IN ORDER TO RECEIVE AN ALLOCATION FOR STATE
22 FISCAL YEAR 2022-23, A JUDICIAL DISTRICT'S JUVENILE SERVICES
23 PLANNING COMMITTEE, OR THE JUDICIAL DISTRICT IF THE JUDICIAL
24 DISTRICT HAS NOT ESTABLISHED A JUVENILE SERVICES PLANNING
25 COMMITTEE, SHALL SUBMIT A PLAN TO THE DEPARTMENT NO LATER THAN
26 SEPTEMBER 1, 2022, THAT DETAILS HOW THE JUDICIAL DISTRICT WILL
27 PROVIDE TEMPORARY SHELTER IN THE DISTRICT DURING STATE FISCAL

1 YEAR 2022-23. THE PLAN MUST INCLUDE THAT PLACEMENT IN LICENSED
2 SHELTER CARE IS VOLUNTARY AND MUST NOT EXCEED FIVE DAYS.

3 (B) THIS SUBSECTION (3)(c)(I) IS REPEALED, EFFECTIVE JULY 1,
4 2023.

5 (II) FOR STATE FISCAL YEAR 2023-24 AND EACH YEAR
6 THEREAFTER, IN ORDER TO RECEIVE AN ALLOCATION, A JUVENILE SERVICES
7 PLANNING COMMITTEE, OR THE JUDICIAL DISTRICT IF THE JUDICIAL
8 DISTRICT HAS NOT ESTABLISHED A JUVENILE SERVICES PLANNING
9 COMMITTEE, SHALL INCLUDE IN ITS PLAN DEVELOPED PURSUANT TO
10 SECTION 19-2.5-302 A PLAN FOR PROVIDING TEMPORARY SHELTER IN THE
11 JUDICIAL DISTRICT. THE PLAN MUST INCLUDE THAT PLACEMENT IN
12 LICENSED SHELTER CARE IS VOLUNTARY AND MUST NOT EXCEED FIVE
13 DAYS.

14 (d) A JUDICIAL DISTRICT'S JUVENILE SERVICES PLANNING
15 COMMITTEE, OR THE JUDICIAL DISTRICT, MAY USE MONEY ALLOCATED
16 PURSUANT TO THIS SUBSECTION (3) FOR:

17 (I) THE COST OF CARE IN A LICENSED TEMPORARY SHELTER,
18 INCLUDING ANY TRANSPORTATION COSTS, FOR UP TO FIVE NIGHTS FOR
19 EACH JUVENILE WHO, AFTER SCREENING BY THE JUDICIAL DISTRICT'S
20 SCREENING TEAM, IS REFERRED TO RECEIVE TEMPORARY CARE IN A
21 LICENSED TEMPORARY SHELTER FACILITY;

22 (II) PROVIDING SUPPORT TO A GRANDPARENT, KIN, OR OTHER
23 SUITABLE PERSON FOR CARE OF A JUVENILE RELEASED TO THE PERSON'S
24 CARE WHILE EMERGENCY CIRCUMSTANCES EXIST, AS DETERMINED BY THE
25 JUDICIAL DISTRICT'S JUVENILE SERVICES PLANNING COMMITTEE THAT
26 PREVENT THE JUVENILE FROM RETURNING HOME. SUPPORT PROVIDED TO
27 A GRANDPARENT, KIN, OR OTHER SUITABLE PERSON MUST BE BASED ON

1 THE ACTUAL COSTS INCURRED BY THE PERSON FOR CARING FOR THE
2 JUVENILE.

3 (III) SERVICES FOR AND EVALUATION OF A JUVENILE RECEIVING
4 TEMPORARY SHELTER; AND

5 (IV) ESTABLISHING LICENSED TEMPORARY SHELTER THROUGH
6 EVALUATION OR RECRUITMENT AND PROVIDING TRAINING NEEDED TO
7 OPERATE TEMPORARY SHELTER.

8 (e) (I) ON OR BEFORE JANUARY 31, 2024, AND ON OR BEFORE
9 JANUARY 31 OF EACH YEAR THEREAFTER, THE HOUSE OF
10 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
11 SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES
12 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, SHALL HOLD A JOINT
13 HEARING TO DETERMINE WHETHER THE RECOMMENDATIONS OF THE
14 WORKING GROUP DESCRIBED IN SECTION 19-2.5-1404 HAVE BEEN
15 IMPLEMENTED IN A MANNER THAT WARRANTS THE REPEAL OF THIS
16 SUBSECTION (3) PRIOR TO ITS SCHEDULED REPEAL IN 2026. AT THE
17 HEARING THAT OCCURS DURING THE 2026 REGULAR LEGISLATIVE SESSION,
18 THE COMMITTEES SHALL CONSIDER WHETHER THIS SUBSECTION (3)
19 SHOULD BE CONTINUED.

20 (II) AT THE HEARING, THE DEPARTMENT SHALL PRESENT ON ITS
21 MOST RECENT REPORT ISSUED PURSUANT TO SECTION 19-2.5-1404 (3)(b),
22 THE COMMITTEES SHALL PERMIT REPRESENTATIVES OF THE WORKING
23 GROUP TO TESTIFY OR PROVIDE INFORMATION TO THE COMMITTEES, AND
24 THE COMMITTEES SHALL TAKE PUBLIC TESTIMONY REGARDING
25 IMPLEMENTATION OF THE WORKING GROUP'S RECOMMENDATIONS.

26 (f) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JUNE 30, 2026.

27 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-1404, add

1 (1)(b)(X) as follows:

2 **19-2.5-1404. Working group for criteria for placement of**
3 **juvenile offenders - establishment of formula - review of criteria -**
4 **report.** (1) (b) The working group shall carry out the following duties:

5 (X) BEFORE JULY 1, 2022, TO CREATE A FORMULA FOR THE
6 ALLOCATION OF MONEY TO JUDICIAL DISTRICTS PURSUANT TO SECTION
7 19-2.5-1407 (3) FOR THE PROVISION OF TEMPORARY SHELTER FOR
8 JUVENILES.

9 **SECTION 3.** In Colorado Revised Statutes, **add 19-3-403.5** as
10 follows:

11 **19-3-403.5. Temporary shelter.** (1) TEMPORARY SHELTER IS THE
12 TEMPORARY CARE OF A CHILD IN A PHYSICALLY UNRESTRICTED SETTING
13 PENDING A RETURN TO THE CHILD'S HOME OR PLACEMENT IN AN
14 APPROPRIATE ALTERNATE SETTING PURSUANT TO APPLICABLE STATE LAW.
15 RECEIVING TEMPORARY CARE IN TEMPORARY SHELTER IS VOLUNTARY AND
16 A CHILD MAY LEAVE AT ANY TIME. A CHILD MAY NOT BE PLACED IN A
17 LICENSED TEMPORARY SHELTER FACILITY FOR MORE THAN FIVE DAYS.

18 (2) A PERSON OR ENTITY PROVIDING TEMPORARY SHELTER MUST
19 ALLOW FOR PROFESSIONALS TO COMPLETE ASSESSMENTS TO DETERMINE
20 THE CHILD'S TREATMENT NEEDS AND ESTABLISH PLANS TO SAFELY
21 TRANSITION THE CHILD BACK TO THE CARE OF THE CHILD'S PARENT,
22 GUARDIAN, LEGAL CUSTODIAN, OR KIN, OR TO ANOTHER
23 COMMUNITY-BASED FACILITY OR HOME, AS INFORMED BY THE RELATIVE
24 INFORMATION FORM DESCRIBED IN SECTION 19-2.5-1404 (1)(b)(VIII). A
25 CHILD IN TEMPORARY SHELTER MUST HAVE ACCESS TO ONGOING
26 EDUCATIONAL SERVICES.

27 (3) THE GENERAL ASSEMBLY STRONGLY ENCOURAGES A JUDICIAL

1 DISTRICT'S JUVENILE SERVICES PLANNING COMMITTEE, OR THE JUDICIAL
2 DISTRICT IF THE JUDICIAL DISTRICT HAS NOT ESTABLISHED A JUVENILE
3 SERVICES PLANNING COMMITTEE, TO CONSIDER LESS RESTRICTIVE
4 SETTINGS, INCLUDING KINSHIP PLACEMENT, FOSTER CARE, RESPITE CARE,
5 AND GROUP HOMES THAT ARE SMALL, HOME-LIKE, AND BASED IN THE
6 COMMUNITY OF THE SHELTERED CHILD, BEFORE RELYING ON LICENSED
7 TEMPORARY SHELTER FACILITIES.

8 **SECTION 4.** In Colorado Revised Statutes, 19-1-103, **amend**
9 (138) as follows:

10 **19-1-103. Definitions.** As used in this title 19 or in the specified
11 portion of this title 19, unless the context otherwise requires:

12 (138) "Temporary shelter" means the temporary placement of a
13 child, AS DESCRIBED IN SECTION 19-3-403.5, with kin, as defined in
14 subsection (91) of this section; with an adult with a significant
15 relationship with the child; or in a licensed and certified twenty-four-hour
16 care facility.

17 **SECTION 5. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.