

HOUSE COMMITTEE OF REFERENCE REPORT

February 15, 2022

Chair of Committee

Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB22-1056 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **19-2.5-1407. Appropriations to department of human services**
6 **for services to juveniles - definition - repeal.** (1) The general assembly
7 shall appropriate money for the provision of services to juveniles to the
8 department of human services. The department of human services shall
9 allocate such money by each judicial district in the state. The
10 appropriation and allocation must be made based upon the formula
11 developed pursuant to ~~section 19-2.5-1404 (1)(b)~~ SECTION 19-2.5-1404
12 (1)(b)(V). The department of human services shall administer the
13 appropriated money. The money appropriated to the department of human
14 services for allocation by each judicial district must be expended in the
15 judicial district by the department of human services for services to
16 juveniles that are intended to prevent the juvenile from being held in
17 detention prior to adjudication, INCLUDING IMPLEMENTING OPTIONS
18 PROVIDED IN THE SCREENING INSTRUMENT DESCRIBED IN SECTION
19 19-2.5-1404; sentenced to detention; or committed to the department of
20 human services or to reduce the length of time the juvenile is held in
21 preadjudication or postadjudication detention or held in a commitment
22 facility operated pursuant to section 19-2.5-1502. If a judicial district has
23 a local juvenile services planning committee, the expenditure of money
24 for juvenile services in the judicial district must be made in accordance
25 with the plan developed pursuant to section 19-2.5-302.

26 (3) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
27 MONEY TO THE DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF

1 TEMPORARY SHELTER FOR JUVENILES BY JUDICIAL DISTRICTS. THE
2 GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT SUFFICIENT TO
3 FUND FIVE NIGHTS OF CARE FOR EACH JUVENILE WHO, BASED ON THE
4 RESULTS OF A SCREENING BY THE JUDICIAL DISTRICT'S SCREENING TEAM,
5 IS SCREENED TO TEMPORARY CARE IN A LICENSED TEMPORARY SHELTER
6 FACILITY.

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

11 (c) (I) (A) IN ORDER TO RECEIVE AN ALLOCATION FOR STATE
12 FISCAL YEAR 2022-23, A JUDICIAL DISTRICT'S JUVENILE SERVICES
13 PLANNING COMMITTEE, OR THE JUDICIAL DISTRICT IF THE JUDICIAL
14 DISTRICT HAS NOT ESTABLISHED A JUVENILE SERVICES PLANNING
15 COMMITTEE, SHALL SUBMIT A PLAN TO THE DEPARTMENT NO LATER THAN
16 SEPTEMBER 1, 2022, THAT DETAILS HOW THE JUDICIAL DISTRICT WILL
17 PROVIDE TEMPORARY SHELTER IN THE DISTRICT DURING STATE FISCAL
18 YEAR 2022-23. THE PLAN MUST INCLUDE THAT PLACEMENT IN LICENSED
19 SHELTER CARE IS VOLUNTARY AND MUST NOT EXCEED FIVE DAYS.

20 (B) THIS SUBSECTION (3)(c)(I) IS REPEALED, EFFECTIVE JULY 1,
21 2023.

22 (II) FOR STATE FISCAL YEAR 2023-24 AND EACH YEAR
23 THEREAFTER, IN ORDER TO RECEIVE AN ALLOCATION, A JUVENILE SERVICES
24 PLANNING COMMITTEE, OR THE JUDICIAL DISTRICT IF THE JUDICIAL
25 DISTRICT HAS NOT ESTABLISHED A JUVENILE SERVICES PLANNING
26 COMMITTEE, SHALL INCLUDE IN ITS PLAN DEVELOPED PURSUANT TO
27 SECTION 19-2.5-302 A PLAN FOR PROVIDING TEMPORARY SHELTER IN THE
28 JUDICIAL DISTRICT. THE PLAN MUST INCLUDE THAT PLACEMENT IN
29 LICENSED SHELTER CARE IS VOLUNTARY AND MUST NOT EXCEED FIVE
30 DAYS.

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

34 (I) THE COST OF CARE IN A LICENSED TEMPORARY SHELTER,
35 INCLUDING ANY TRANSPORTATION COSTS, FOR UP TO FIVE NIGHTS FOR
36 EACH JUVENILE WHO, AFTER SCREENING BY THE JUDICIAL DISTRICT'S
37 SCREENING TEAM, IS REFERRED TO RECEIVE TEMPORARY CARE IN A
38 LICENSED TEMPORARY SHELTER FACILITY;

39 (II) PROVIDING SUPPORT TO A GRANDPARENT, KIN, OR OTHER
40 SUITABLE PERSON FOR CARE OF A JUVENILE RELEASED TO THE PERSON'S
41 CARE WHILE EMERGENCY CIRCUMSTANCES EXIST, AS DETERMINED BY THE
42 JUDICIAL DISTRICT'S JUVENILE SERVICES PLANNING COMMITTEE THAT
43 PREVENT THE JUVENILE FROM RETURNING HOME. SUPPORT PROVIDED TO

1 A GRANDPARENT, KIN, OR OTHER SUITABLE PERSON MUST BE BASED ON
2 THE ACTUAL COSTS INCURRED BY THE PERSON FOR CARING FOR THE
3 JUVENILE.

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

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

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

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

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

28 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-1404, **add**
29 (1)(b)(X) as follows:

30 **19-2.5-1404. Working group for criteria for placement of**
31 **juvenile offenders - establishment of formula - review of criteria -**
32 **report.** (1) (b) The working group shall carry out the following duties:

33 (X) BEFORE JULY 1, 2022, TO CREATE A FORMULA FOR THE
34 ALLOCATION OF MONEY TO JUDICIAL DISTRICTS PURSUANT TO SECTION
35 19-2.5-1407 (3) FOR THE PROVISION OF TEMPORARY SHELTER FOR
36 JUVENILES.

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

39 **19-3-403.5. Temporary shelter.** (1) TEMPORARY SHELTER IS THE
40 TEMPORARY CARE OF A CHILD IN A PHYSICALLY UNRESTRICTED SETTING
41 PENDING A RETURN TO THE CHILD'S HOME OR PLACEMENT IN AN
42 APPROPRIATE ALTERNATE SETTING PURSUANT TO APPLICABLE STATE LAW.
43 RECEIVING TEMPORARY CARE IN TEMPORARY SHELTER IS VOLUNTARY AND

1 A CHILD MAY LEAVE AT ANY TIME. A CHILD MAY NOT BE PLACED IN A
2 LICENSED TEMPORARY SHELTER FACILITY FOR MORE THAN FIVE DAYS.

3 (2) A PERSON OR ENTITY PROVIDING TEMPORARY SHELTER MUST
4 ALLOW FOR PROFESSIONALS TO COMPLETE ASSESSMENTS TO DETERMINE
5 THE CHILD'S TREATMENT NEEDS AND ESTABLISH PLANS TO SAFELY
6 TRANSITION THE CHILD BACK TO THE CARE OF THE CHILD'S PARENT,
7 GUARDIAN, LEGAL CUSTODIAN, OR KIN, OR TO ANOTHER
8 COMMUNITY-BASED FACILITY OR HOME, AS INFORMED BY THE RELATIVE
9 INFORMATION FORM DESCRIBED IN SECTION 19-2.5-1404 (1)(b)(VIII). A
10 CHILD IN TEMPORARY SHELTER MUST HAVE ACCESS TO ONGOING
11 EDUCATIONAL SERVICES.

12 (3) THE GENERAL ASSEMBLY STRONGLY ENCOURAGES A JUDICIAL
13 DISTRICT'S JUVENILE SERVICES PLANNING COMMITTEE, OR THE JUDICIAL
14 DISTRICT IF THE JUDICIAL DISTRICT HAS NOT ESTABLISHED A JUVENILE
15 SERVICES PLANNING COMMITTEE, TO CONSIDER LESS RESTRICTIVE
16 SETTINGS, INCLUDING KINSHIP PLACEMENT, FOSTER CARE, RESPITE CARE,
17 AND GROUP HOMES THAT ARE SMALL, HOME-LIKE, AND BASED IN THE
18 COMMUNITY OF THE SHELTERED CHILD, BEFORE RELYING ON LICENSED
19 TEMPORARY SHELTER FACILITIES.

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

22 **19-1-103. Definitions.** As used in this title 19 or in the specified
23 portion of this title 19, unless the context otherwise requires:

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

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

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