

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0233.03 Conrad Imel x2313

HOUSE BILL 22-1056

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HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

(None),

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House Committees

Public & Behavioral Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING EMERGENCY TEMPORARY CARE FOR CHILDREN.

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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.

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

2           **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **add** (61.5)  
3 as follows:

4           **19-1-103. Definitions.** As used in this title 19 or in the specified  
5 portion of this title 19, unless the context otherwise requires:

6           (61.5) "EMERGENCY TEMPORARY SHELTER" MEANS EMERGENCY  
7 TEMPORARY SHELTER AS DESCRIBED IN SECTION 19-3-403.5.

8           **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-403.5 as  
9 follows:

10           **19-3-403.5. Emergency temporary shelter - appropriation -**  
11 **allocation - legislative intent - rules.** (1) (a) A COUNTY DEPARTMENT  
12 MAY ESTABLISH EMERGENCY TEMPORARY SHELTER TO PROVIDE  
13 TEMPORARY CARE FOR NEGLECTED OR DEPENDENT CHILDREN, AS  
14 DESCRIBED IN SECTION 19-3-102, CHILDREN TAKEN INTO TEMPORARY  
15 CUSTODY PURSUANT TO SECTION 19-3-401, OR CHILDREN WHO HAVE HAD  
16 CONTACT WITH LAW ENFORCEMENT, AS DESCRIBED IN SUBSECTION (1)(c)

1 OF THIS SECTION, BY ENTERING INTO AN AGREEMENT WITH AN ENTITY  
2 DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO PROVIDE THE  
3 EMERGENCY TEMPORARY SHELTER.

4 (b) (I) EMERGENCY TEMPORARY SHELTER IS THE TEMPORARY CARE  
5 OF A CHILD IN A PHYSICALLY UNRESTRICTED SETTING FOR NO MORE THAN  
6 FIVE DAYS, PENDING A RETURN TO THE CHILD'S HOME OR PLACEMENT IN AN  
7 APPROPRIATE ALTERNATE SETTING PURSUANT TO APPLICABLE STATE LAW.  
8 RECEIVING TEMPORARY CARE IN EMERGENCY TEMPORARY SHELTER IS  
9 VOLUNTARY, AND A CHILD MAY LEAVE EMERGENCY TEMPORARY SHELTER  
10 AT ANY TIME.

11 (II) AN ENTITY PROVIDING EMERGENCY TEMPORARY SHELTER TO  
12 A CHILD MAY OR MAY NOT PROVIDE TREATMENT TO THE CHILD BUT MUST  
13 ALLOW FOR PROFESSIONALS TO COMPLETE ASSESSMENTS TO DETERMINE  
14 THE CHILD'S TREATMENT NEEDS AND ESTABLISH PLANS TO SAFELY  
15 TRANSITION THE CHILD BACK TO THE CARE OF THE CHILD'S PARENT,  
16 GUARDIAN, LEGAL CUSTODIAN, OR KIN, OR TO ANOTHER  
17 COMMUNITY-BASED FACILITY OR HOME, AS INFORMED BY THE RELATIVE  
18 INFORMATION FORM DESCRIBED IN SECTION 19-2.5-1404 (1)(b)(VIII). A  
19 CHILD IN EMERGENCY TEMPORARY SHELTER MUST HAVE ACCESS TO  
20 ONGOING EDUCATIONAL SERVICES.

21 (c) A CHILD IS ELIGIBLE FOR TEMPORARY CARE IN EMERGENCY  
22 TEMPORARY SHELTER IF THE CHILD HAS HAD CONTACT WITH LAW  
23 ENFORCEMENT AND IS HOMELESS, CONSIDERED ABANDONED, OR IS UNABLE  
24 TO RETURN HOME BECAUSE THE CHILD'S PARENT, GUARDIAN, OR LEGAL  
25 CUSTODIAN REFUSES TO TAKE THE CHILD BACK INTO THE PERSON'S HOME.

26 (2) (a) EMERGENCY TEMPORARY SHELTER MAY OCCUR IN A FOSTER  
27 CARE HOME, INCLUDING A THERAPEUTIC OR TREATMENT FOSTER CARE

1 HOME; GROUP CARE FACILITIES AND HOMES; AS DEFINED IN SECTION  
2 26-6-102, A HOMELESS YOUTH SHELTER, A RESIDENTIAL CHILD CARE  
3 FACILITY, RESPITE CHILD CARE CENTER, OR SPECIALIZED GROUP FACILITY;  
4 OR IN ANY OTHER LICENSED OR CERTIFIED TWENTY-FOUR-HOUR  
5 NONSECURE CARE AND TREATMENT FACILITY AWAY FROM THE CHILD'S  
6 PARENT OR GUARDIAN.

7 (b) AFTER CONSIDERING THE NEEDS OF THE COUNTY, EXISTING  
8 AVAILABLE BEDS, AVAILABLE FUNDING STREAMS, AND THE LEAST  
9 RESTRICTIVE SETTING FOR CHILDREN THAT WOULD MEET THE COUNTY'S  
10 NEEDS, A COUNTY DEPARTMENT MAY CHOOSE THE MOST APPROPRIATE  
11 TYPE OF FACILITY TO PROVIDE EMERGENCY TEMPORARY SHELTER FOR THE  
12 COUNTY. A COUNTY MAY USE MORE THAN ONE TYPE OF FACILITY FOR  
13 EMERGENCY TEMPORARY SHELTER. TWO OR MORE COUNTIES MAY JOINTLY  
14 ENTER INTO AN AGREEMENT WITH A FACILITY TO PROVIDE EMERGENCY  
15 TEMPORARY SHELTER FOR THE COUNTIES.

16 (c) THE GENERAL ASSEMBLY STRONGLY ENCOURAGES COUNTY  
17 DEPARTMENTS TO CONSIDER LESS RESTRICTIVE SETTINGS, INCLUDING  
18 KINSHIP PLACEMENT, FOSTER CARE, RESPITE CARE, AND GROUP HOMES  
19 THAT ARE SMALL, HOME-LIKE, AND BASED IN THE COMMUNITY OF THE  
20 SHELTERED CHILD, BEFORE RELYING ON RESIDENTIAL CHILD CARE  
21 FACILITIES FOR EMERGENCY TEMPORARY SHELTER.

22 (3) AN ENTITY CONTRACTED TO PROVIDE EMERGENCY TEMPORARY  
23 SHELTER FUNDED PURSUANT TO THIS SECTION MUST HAVE THE LICENSE  
24 REQUIRED BY ARTICLE 6 OF TITLE 26 FOR THE ENTITY OR MEET STANDARDS  
25 FOR ENTITIES THAT PROVIDE EMERGENCY TEMPORARY SHELTER SET BY  
26 THE STATE DEPARTMENT IN RULES PROMULGATED PURSUANT TO THIS  
27 SECTION.

1           (4) (a) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO  
2 THE STATE DEPARTMENT FOR EMERGENCY TEMPORARY SHELTER.

3           (b) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT IS  
4 AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY  
5 FEDERAL FUNDS, GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR  
6 PUBLIC SOURCE FOR THE PURPOSES OF THIS SECTION.

7           (c) THE STATE DEPARTMENT SHALL CREATE A FORMULA FOR  
8 ALLOCATING MONEY TO COUNTIES THAT ESTABLISH EMERGENCY  
9 TEMPORARY SHELTER THAT TAKES INTO ACCOUNT THE TYPE OF  
10 EMERGENCY TEMPORARY SHELTER AVAILABLE IN EACH COUNTY, THE  
11 NUMBER OF EMERGENCY TEMPORARY SHELTER BEDS AVAILABLE IN EACH  
12 COUNTY, AND THE NUMBER OF EMERGENCY TEMPORARY SHELTER BEDS  
13 USED IN EACH COUNTY.

14           (d) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL  
15 ANNUALLY ALLOCATE THE MONEY APPROPRIATED FOR PURPOSES OF THIS  
16 SECTION, AND ANY OTHER MONEY RECEIVED FROM FEDERAL FUNDS, GIFTS,  
17 GRANTS, OR DONATIONS FOR PURPOSES OF THIS SECTION, TO EACH COUNTY  
18 DEPARTMENT THAT ESTABLISHES EMERGENCY TEMPORARY SHELTER  
19 PURSUANT TO THIS SECTION IN AN AMOUNT DETERMINED BY THE STATE  
20 DEPARTMENT IN ACCORDANCE WITH THE ALLOCATION FORMULA.

21           (e) PRIOR TO RECEIVING AN ALLOCATION, A COUNTY DEPARTMENT  
22 MUST SUBMIT A PLAN FOR ESTABLISHING EMERGENCY TEMPORARY  
23 SHELTER TO THE STATE DEPARTMENT FOR APPROVAL. THE PLAN MUST  
24 INCLUDE INFORMATION REGARDING THE AGE RANGE OF CHILDREN WHO  
25 WILL RECEIVE TEMPORARY CARE IN EMERGENCY TEMPORARY SHELTER IN  
26 THE COUNTY. THE STATE DEPARTMENT SHALL REVIEW THE PLAN TO  
27 ENSURE THAT A CONTRACTED ENTITY MEETS ANY REQUIREMENTS SET

1 FORTH IN STATUTE OR BY STATE DEPARTMENT RULE. UPON APPROVAL OF  
2 A COUNTY PLAN, AND SUBJECT TO AVAILABLE FUNDS, THE STATE  
3 DEPARTMENT SHALL ALLOCATE MONEY TO THE COUNTY.

4 (5) THE STATE DEPARTMENT SHALL PROMULGATE RULES  
5 NECESSARY FOR THE ADMINISTRATION OF THIS SECTION AND TO ENSURE  
6 THE SAFETY OF CHILDREN IN EMERGENCY TEMPORARY SHELTER. THE  
7 RULES MUST INCLUDE PROCEDURES FOR THE APPROVAL OF COUNTY  
8 DEPARTMENT PLANS AND STANDARDS FOR OPERATING ENTITIES THAT ARE  
9 AT LEAST AS STRINGENT AS THE APPLICABLE LICENSING REQUIREMENTS  
10 FOR THE TYPE OF ENTITY PROVIDING EMERGENCY TEMPORARY SHELTER.

11 **SECTION 3.** In Colorado Revised Statutes, 19-2.5-303, **amend**  
12 (1) and (4)(b); and **add** (3)(c) as follows:

13 **19-2.5-303. Duty of peace officer - screening teams -**  
14 **notification - release or detention.** (1) When a juvenile is taken into  
15 temporary custody and not released pending charges, the PEACE officer  
16 shall notify the screening team for the judicial district in which the  
17 juvenile is taken into custody. The screening team shall notify the  
18 juvenile's parent, guardian, or legal custodian without unnecessary delay  
19 and inform the juvenile's parent, guardian, or legal custodian that, if the  
20 juvenile is placed in detention, EMERGENCY TEMPORARY SHELTER, or a  
21 temporary holding facility, all parties have a right to a prompt hearing to  
22 determine whether the juvenile is to be detained further OR ALLOWED TO  
23 CONTINUE IN EMERGENCY TEMPORARY SHELTER. Such notification may  
24 be made to a person with whom the juvenile is residing if a parent,  
25 guardian, or legal custodian cannot be located. If the screening team is  
26 unable to make such notification, the notification may be made by any  
27 law enforcement officer, juvenile probation officer, detention center

1 counselor, or detention facility staff in whose physical custody the  
2 juvenile is placed.

3 (3) (c) IF A JUVENILE MUST BE RELEASED TO THE CARE OF THE  
4 JUVENILE'S PARENTS, KIN, OR OTHER RESPONSIBLE ADULT IN ACCORDANCE  
5 WITH SUBSECTION (3)(a) OF THIS SECTION BUT IS UNABLE TO RETURN  
6 HOME BECAUSE THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN  
7 REFUSES TO TAKE CARE OF THE JUVENILE AFTER CONTACT WITH LAW  
8 ENFORCEMENT, OR BECAUSE THE CHILD IS HOMELESS, THE SCREENING  
9 TEAM MAY REFER THE CHILD TO THE COUNTY DEPARTMENT FOR  
10 TEMPORARY CARE WITH A GRANDPARENT, KIN, OR OTHER SUITABLE  
11 PERSON OR IN EMERGENCY TEMPORARY SHELTER PURSUANT TO SECTION  
12 19-3-403.5.

13 (4) (b) If the juvenile is not released as required in subsection (3)  
14 of this section, the juvenile must be taken directly to the court or to the  
15 place of detention, a temporary holding facility, a temporary shelter  
16 designated by the court, AN ENTITY PROVIDING EMERGENCY TEMPORARY  
17 SHELTER, or a preadjudication service program established pursuant to  
18 section 19-2.5-606 without unnecessary delay.

19 **SECTION 4.** In Colorado Revised Statutes, 19-3-402, **amend**  
20 (3)(b) and (4) as follows:

21 **19-3-402. Duty of law enforcement officer - notification -**  
22 **release or detention.** (3) (b) If ~~he~~ A CHILD is not released as provided in  
23 subsection (2) of this section, ~~he shall~~ THE CHILD MUST be taken directly  
24 to the court or to ~~the place of detention,~~ or a temporary holding facility,  
25 AN ENTITY PROVIDING EMERGENCY TEMPORARY SHELTER, or a shelter  
26 designated by the court without unnecessary delay.

27 (4) The LAW ENFORCEMENT officer or other person who takes a

1 child to a ~~detention or~~ shelter facility, AN ENTITY PROVIDING EMERGENCY  
2 TEMPORARY SHELTER, or a temporary holding facility shall notify the  
3 court and any agency or persons ~~so~~ designated by the court at the earliest  
4 opportunity that the child has been taken into custody and where ~~he~~ THE  
5 CHILD has been taken. ~~He~~ THE LAW ENFORCEMENT OFFICER OR OTHER  
6 PERSON shall also promptly file a brief written report with the court and  
7 any agency or person ~~so~~ designated by the court stating the facts ~~which~~  
8 THAT led to the child being taken into custody and the reason why the  
9 child was not released.

10 **SECTION 5.** In Colorado Revised Statutes, 19-3-403, **amend** (2)  
11 as follows:

12 **19-3-403. Temporary custody - hearing - time limits -**  
13 **restriction - rules.** (2) When a child is placed in a shelter facility or a  
14 temporary holding facility not operated by the department of human  
15 services designated by the court, OR IS RECEIVING TEMPORARY CARE IN  
16 EMERGENCY TEMPORARY SHELTER, the law enforcement official taking  
17 the child into custody shall promptly ~~so~~ notify the court. ~~He~~ THE LAW  
18 ENFORCEMENT OFFICIAL shall also notify a parent or legal guardian or, if  
19 a parent or legal guardian cannot be located within the county, the person  
20 with whom the child has been residing, and inform ~~him~~ THAT PERSON of  
21 the right to a prompt hearing to determine whether the child is to be  
22 detained further. The court shall hold such hearing within forty-eight  
23 hours, excluding Saturdays, Sundays, and legal holidays. A child  
24 requiring physical restraint may be placed in a juvenile detention facility  
25 operated by or under contract with the department of human services for  
26 a period of not more than twenty-four hours, including Saturdays,  
27 Sundays, and legal holidays.



1           **SECTION 6. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly; except  
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
5 of the state constitution against this act or an item, section, or part of this  
6 act within such period, then the act, item, section, or part will not take  
7 effect unless approved by the people at the general election to be held in  
8 November 2022 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.