

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0997.01 Conrad Imel x2313

HOUSE BILL 22-1375

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Buckner,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE THE OUTCOMES FOR THOSE**
102 **PLACED IN OUT-OF-HOME PLACEMENT FACILITIES, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 requires the state department of human services (state department) to develop and implement a quality assurance and accountability system (system) to set quality measures for certain residential child care facilities (residential treatment facilities). The system includes quality assurance standards and a collaborative model of

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.*

HOUSE
Amended 2nd Reading
April 29, 2022

quality improvement in which providers and oversight agencies work together to ensure that residential treatment facilities meet the quality assurance standards. The state department must enter into an agreement with an institution of higher education to collaborate and assist the state department with developing the system.

The state department shall implement the system statewide on or before July 1, 2026. Prior to implementing the system statewide, the state department shall convene an advisory group to advise the state department on the development of the system and convene an implementation team to run a pilot program of the system. The state department is required to annually report to the general assembly about the system.

The bill creates the Timothy Montoya task force to prevent children from running away from out-of-home placement (task force) in the office of the child protection ombudsman. The task force must analyze the root causes of why children run away from out-of-home placement; develop a consistent, prompt, and effective response to recover missing children; and address the safety and well-being of a child who has run away upon the child's return to out-of-home placement.

The office of the child protection ombudsman must enter into an agreement with an institution of higher education to perform research that supports the task force's work and conduct focus groups with children in out-of-home placement, young adults who have aged out of the child protection system, and out-of-home placement providers.

The task force is required to issue a preliminary report by October 1, 2023, and a final report by October 1, 2024, that each include the task force's findings and recommendations to reduce the number children who run away from out-of-home placement.

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

2 

3 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3.3-111 as
4 follows:

5 **19-3.3-111. Task force to prevent youth from running from**
6 **out-of-home placement - creation - membership - duties - report**
7 **-definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

9 (a) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

1 (b) "CHILDREN WHO HAVE RUN AWAY" MEANS A CHILD WHO HAS
2 LEFT AND REMAINS AWAY FROM OUT-OF-HOME PLACEMENT WITHOUT THE
3 PERMISSION OF THE CHILD'S PARENT, CAREGIVER, OR LEGAL GUARDIAN.

4 (c) "INSTITUTION OF HIGHER EDUCATION" MEANS A
5 POSTSECONDARY INSTITUTION THAT ENTERS INTO AN AGREEMENT WITH
6 THE CHILD PROTECTION OMBUDSMAN TO PERFORM RESEARCH AND
7 CONDUCT FOCUS GROUPS.

8 (d) "OUT-OF-HOME PLACEMENT" MEANS PLACEMENT IN A
9 RESIDENTIAL CHILD CARE FACILITY OR FOSTER CARE HOME, AS EACH IS
10 DEFINED IN SECTION 26-6-102.

11 (e) "OUT-OF-HOME PLACEMENT PROVIDER" OR "PROVIDER"
12 INCLUDES A LICENSED OUT-OF-HOME PLACEMENT PROVIDER AND A FOSTER
13 PARENT APPROVED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
14 SERVICES.

15 (f) "TASK FORCE" MEANS THE TIMOTHY MONTOYA TASK FORCE TO
16 PREVENT CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME
17 PLACEMENT ESTABLISHED IN THIS SECTION.

18 (2) (a) THERE IS CREATED IN THE OFFICE OF THE CHILD
19 PROTECTION OMBUDSMAN THE TIMOTHY MONTOYA TASK FORCE TO
20 PREVENT CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME
21 PLACEMENT. THE TASK FORCE IS ESTABLISHED TO ANALYZE THE ROOT
22 CAUSES OF WHY CHILDREN RUN AWAY FROM OUT-OF-HOME PLACEMENT;
23 DEVELOP A CONSISTENT, PROMPT, AND EFFECTIVE RESPONSE TO RECOVER
24 MISSING CHILDREN; AND ADDRESS THE SAFETY AND WELL-BEING OF A
25 CHILD UPON THE CHILD'S RETURN TO OUT-OF-HOME PLACEMENT.

26 (b) THE OFFICE SHALL ENTER INTO AN AGREEMENT WITH AN
27 INSTITUTION OF HIGHER EDUCATION WITH EXPERIENCE IN CHILD WELFARE

1 RESEARCH TO PERFORM RESEARCH TO SUPPORT THE TASK FORCE'S WORK
2 AND CONDUCT THE FOCUS GROUPS DESCRIBED IN SUBSECTION (6) OF THIS
3 SECTION.

4 (3) (a) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

5 (I) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S
6 DESIGNEE;

7 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
8 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (III) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES
10 WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE
11 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

12 (IV) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE
13 WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

15 (V) THE DIRECTOR OF THE OFFICE OF THE CHILD'S
16 REPRESENTATIVE, OR THE DIRECTOR'S DESIGNEE;

17 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
18 SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

19 (VII) THE FOLLOWING MEMBERS, APPOINTED BY THE CHILD
20 PROTECTION OMBUDSMAN:

21 (A) TWO MEMBERS WHO REPRESENT A COUNTY DEPARTMENT OF
22 HUMAN OR SOCIAL SERVICES THAT DELIVERS CHILD WELFARE SERVICES,
23 ONE WHO MUST BE FROM AN URBAN COUNTY AND THE OTHER FROM A
24 RURAL COUNTY;

25 (B) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
26 SUPPORTS VICTIMS OF HUMAN TRAFFICKING;

27 (C) A REPRESENTATIVE FROM A STATEWIDE ASSOCIATION THAT

1 REPRESENTS DIRECTORS OF COUNTY HUMAN OR SOCIAL SERVICES
2 AGENCIES;

3 (D) TWO FOSTER PARENTS CERTIFIED BY A COUNTY DEPARTMENT
4 OF HUMAN OR SOCIAL SERVICES;

5 (E) TWO KINSHIP PROVIDERS CERTIFIED BY A COUNTY
6 DEPARTMENT OF HUMAN OR SOCIAL SERVICES;

7 (F) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION THAT
8 REPRESENTS CHILD PLACEMENT AGENCIES, AS DEFINED IN SECTION
9 26-6-102;

10 (G) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF FAMILY
11 AND CHILDREN'S AGENCIES;

12 (H) A REPRESENTATIVE OF AN OUT-OF-HOME PLACEMENT
13 PROVIDER THAT SERVES CHILDREN IN THE CHILD WELFARE SYSTEM;

14 (I) A YOUNG ADULT WHO IS UNDER TWENTY-TWO YEARS OF AGE
15 WHO HAS EXPERIENCED RESIDENTIAL CARE PLACEMENT;

16 (J) TWO MEMBERS WHO ARE A PARENT OR FAMILY MEMBER OF A
17 CHILD WHO HAS RUN AWAY FROM OUT-OF-HOME PLACEMENT;

18 (K) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
19 SERVES CHILDREN OR YOUTH WHO HAVE RUN AWAY FROM OUT-OF-HOME
20 PLACEMENT;

21 (L) A REPRESENTATIVE OF THE CHIEFS OF POLICE, RECOMMENDED
22 BY THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING THE
23 CHIEFS OF POLICE; AND

24 (M) TWO REPRESENTATIVES OF POLICE OFFICERS, ONE OF WHOM
25 MUST BE FROM A RURAL JURISDICTION AND ONE OF WHOM MUST BE FROM
26 AN URBAN JURISDICTION, BOTH RECOMMENDED BY THE PRESIDENT OF A
27 STATEWIDE ORGANIZATION REPRESENTING POLICE OFFICERS.

1 (b) (I) IN MAKING APPOINTMENTS PURSUANT TO SUBSECTION
2 (3)(a)(VII) OF THIS SECTION, THE CHILD PROTECTION OMBUDSMAN SHALL
3 SELECT MEMBERS WHO REPRESENT DIVERSE GEOGRAPHIC LOCATIONS,
4 RACE AND ETHNICITY, GENDER, RELIGION, AND SOCIOECONOMIC STATUS.

5 (II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR
6 APPOINTMENTS ON OR BEFORE SEPTEMBER 1, 2022. THE TERM OF THE
7 APPOINTMENT IS FOR THE DURATION OF THE TASK FORCE. THE APPOINTING
8 AUTHORITY SHALL FILL ANY VACANCY SUBJECT TO THE SAME
9 QUALIFICATIONS AS THE INITIAL APPOINTMENT.

10 (c) EACH MEMBER OF THE TASK FORCE SERVES WITHOUT
11 COMPENSATION. MEMBERS APPOINTED PURSUANT TO SUBSECTIONS
12 (3)(a)(VII)(D), (3)(a)(VII)(E), (3)(a)(VII)(I), AND (3)(a)(VII)(J) OF THIS
13 SECTION MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED
14 WHILE SERVING ON THE TASK FORCE.

15 (d) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S
16 DESIGNEE, IS THE CHAIR OF THE TASK FORCE. AT ITS FIRST MEETING, THE
17 TASK FORCE SHALL SELECT A VICE-CHAIR FROM AMONG ITS MEMBERS. THE
18 CHAIR AND THE VICE-CHAIR SERVE FOR THE DURATION OF THE TASK
19 FORCE.

20 (4) THE CHILD PROTECTION OMBUDSMAN SHALL CONVENE THE
21 FIRST MEETING OF THE TASK FORCE NO LATER THAN OCTOBER 1, 2022.
22 THE TASK FORCE SHALL MEET AT LEAST ONCE EVERY TWO MONTHS UNTIL
23 THE TASK FORCE SUBMITS ITS FINAL REPORT DESCRIBED IN SUBSECTION
24 (7)(b) OF THIS SECTION, AND ADDITIONALLY AT THE CALL OF THE CHAIR AS
25 NECESSARY TO COMPLETE ITS DUTIES. THE TASK FORCE MAY MEET
26 ELECTRONICALLY. THE OFFICE SHALL PROVIDE STAFF SUPPORT NECESSARY
27 FOR THE ADVISORY GROUP TO CARRY OUT ITS DUTIES. AT THE REQUEST OF

1 THE TASK FORCE, THE INSTITUTION OF HIGHER EDUCATION SHALL PERFORM
2 RESEARCH TO SUPPORT THE TASK FORCE'S WORK.

3 (5) THE TASK FORCE SHALL:

4 (a) ANALYZE THE SUFFICIENCY OF STATEWIDE DATA THAT
5 MEASURES THE QUANTITATIVE AND QUALITATIVE EXPERIENCES OF
6 CHILDREN WHO HAVE RUN AWAY FROM OUT-OF-HOME PLACEMENT;

7 (b) ANALYZE THE ROOT CAUSES OF WHY CHILDREN RUN AWAY
8 FROM OUT-OF-HOME PLACEMENT;

9 (c) IDENTIFY AND ANALYZE BEHAVIORS THAT CONSTITUTE
10 RUNNING AWAY FROM OUT-OF-HOME PLACEMENT, ANALYZE DIFFERENCES
11 BETWEEN RUNAWAY BEHAVIOR AND AGE-APPROPRIATE BEHAVIORS
12 OUTSIDE OF THE HOME OR OUT-OF-HOME PLACEMENT, AND IDENTIFY
13 BEHAVIORS THAT SHOULD LEAD TO A PERSON OR FACILITY FILING A
14 MISSING PERSON REPORT ABOUT A CHILD;

15 (d) ANALYZE THE RELATIONSHIP BETWEEN CHILDREN WHO HAVE
16 RUN AWAY FROM OUT-OF-HOME PLACEMENT AND THE LIKELIHOOD THAT
17 THE CHILD WILL BECOME A VICTIM OF CRIME;

18 (e) ANALYZE THE COMPREHENSIVENESS AND EFFECTIVENESS OF
19 EXISTING STATE LAWS AND REGULATIONS, AND PLACEMENT FACILITY
20 PROTOCOLS, TO RESPOND TO A CHILD'S THREAT TO RUN AWAY FROM
21 OUT-OF-HOME PLACEMENT AND FOR PROMPTLY REPORTING, LOCATING,
22 EVALUATING, AND TREATING CHILDREN WHO HAVE RUN AWAY;

23 (f) ANALYZE BEST PRACTICES STATEWIDE AND NATIONALLY FOR
24 PREVENTING AND ADDRESSING RUNAWAY BEHAVIOR, INCLUDING
25 IDENTIFYING METHODS TO DETER CHILDREN FROM RUNNING AWAY FROM
26 OUT-OF-HOME PLACEMENT;

27 (g) ANALYZE HOW ENTITIES RESPONSIBLE FOR THE CARE OF

1 CHILDREN WHO RUN AWAY FROM OUT-OF-HOME PLACEMENT CAN
2 COORDINATE A THOROUGH AND CONSISTENT RESPONSE TO RUNAWAY
3 BEHAVIORS;

4 (h) IDENTIFY RESOURCES NECESSARY TO IMPROVE OR FACILITATE
5 COMMUNICATION AND COORDINATED EFFORTS RELATED TO CHILDREN
6 WHO RUN AWAY FROM OUT-OF-HOME PLACEMENT AMONG OUT-OF-HOME
7 PLACEMENT FACILITIES, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL
8 SERVICES, AND LAW ENFORCEMENT AGENCIES; AND

9 (i) AT ITS DISCRETION, DEVELOP RECOMMENDATIONS TO REDUCE
10 THE NUMBER OF CHILDREN WHO RUN AWAY FROM OUT-OF-HOME
11 PLACEMENT AND INCLUDE THE RECOMMENDATIONS IN ITS REPORTS
12 DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

13 (6) (a) THE INSTITUTION OF HIGHER EDUCATION SHALL CONDUCT
14 FOCUS GROUPS WITH CHILDREN IN OUT-OF-HOME PLACEMENT AND YOUNG
15 ADULTS UNDER TWENTY-TWO YEARS OF AGE WHO HAVE AGED OUT OF THE
16 CHILD PROTECTION SYSTEM TO ASSIST THE TASK FORCE IN FULFILLING ITS
17 DUTIES. THE INSTITUTION SHALL CONDUCT FOCUS GROUPS WITH
18 OUT-OF-HOME PLACEMENT PROVIDERS TO DETERMINE WHAT CONDITIONS
19 LEAD CHILDREN TO RUN AWAY FROM OUT-OF-HOME PLACEMENT, THE
20 PROVIDER'S EFFORTS TO LOCATE CHILDREN WHO HAVE RUN AWAY, AND
21 THE SERVICES PROVIDED TO A RUNAWAY CHILD UPON THE CHILD'S
22 RETURN.

23 (b) THE INSTITUTION OF HIGHER EDUCATION SHALL ASK EACH
24 FOCUS GROUP TO CONSIDER:

25 (I) THE REASONS WHY CHILDREN RUN AWAY FROM OUT-OF-HOME
26 PLACEMENT;

27 (II) OPPORTUNITIES AND RESOURCES THAT COULD PREVENT

1 CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME PLACEMENT; AND
2 (III) RESOURCES THAT CHILDREN NEED TO ENSURE THEIR SAFETY
3 AND WELL-BEING AFTER THEY RETURN TO OUT-OF-HOME PLACEMENT.

4 (c) THE OFFICE SHALL REIMBURSE EACH FOCUS GROUP
5 PARTICIPANT WHO IS A CHILD OR YOUTH FOR THE PARTICIPANT'S
6 REASONABLE EXPENSES INCURRED FOR PARTICIPATING IN A FOCUS GROUP.

7 (d) THE INSTITUTION OF HIGHER EDUCATION SHALL MAKE
8 INFORMATION LEARNED FROM THE FOCUS GROUPS PUBLICLY AVAILABLE
9 AND SHALL SUBMIT ITS FINDINGS TO THE TASK FORCE ON OR BEFORE APRIL
10 1, 2023. PERSONALLY IDENTIFIABLE INFORMATION ABOUT THE PERSONS
11 WHO PARTICIPATED IN A FOCUS GROUP IS CONFIDENTIAL AND THE
12 INSTITUTION SHALL NOT MAKE PUBLIC ANY PERSONALLY IDENTIFIABLE
13 INFORMATION.

14 (7) (a) ON OR BEFORE OCTOBER 1, 2023, THE TASK FORCE SHALL
15 SUBMIT A FIRST-YEAR STATUS REPORT TO THE GOVERNOR, THE PRESIDENT
16 OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND
17 THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
18 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN
19 SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE
20 FIRST-YEAR STATUS REPORT MUST INCLUDE A SUMMARY OF THE TASK
21 FORCE'S WORK AND THE TASK FORCE'S INITIAL FINDINGS AND
22 RECOMMENDATIONS, IF AVAILABLE.

23 (b) ON OR BEFORE OCTOBER 1, 2024, THE TASK FORCE SHALL
24 SUBMIT A FINAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
25 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE
26 HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
27 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN

1 SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THAT INCLUDES
2 A SUMMARY OF THE TASK FORCE'S WORK AND THE TASK FORCE'S
3 RECOMMENDATIONS, IF APPLICABLE.

4 (8) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

5 **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,
6 \$99,500 is appropriated to the judicial department for use by the office of
7 the child protection ombudsman. This appropriation is from the general
8 fund. To implement this act, the office may use this appropriation for
9 program costs.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.