

CHAPTER 383

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1056

BY REPRESENTATIVE(S) Michaelson Jenet and Gonzales-Gutierrez, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Herod, Hooton, Jodeh, Lontine, McCluskie, McCormick, Mullica, Sirota, Sullivan, Titone, Valdez A., Woodrow, Young;
 also SENATOR(S) Moreno, Bridges, Buckner, Danielson, Donovan, Fields, Ginal, Hansen, Jaquez Lewis, Lee, Pettersen, Rodriguez, Story, Winter, Zenzinger.

AN ACT

**CONCERNING EMERGENCY TEMPORARY CARE FOR CHILDREN, AND, IN CONNECTION THEREWITH,
 MAKING AN APPROPRIATION.**

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. Appropriation. (1) For the 2022-23 state fiscal year, \$137,308 is appropriated to the department of human services for use by the division of youth services. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$131,638 for purchase of contract placements related to community programs; and

(b) \$5,670 for program administration related to community programs.

(2) For the 2022-23 state fiscal year, the general assembly anticipates that the department of human services will receive \$13,019 in federal funds for use by the division of youth services to implement this act. The appropriation in subsection (1)(a) of this section is based on the assumption that the department will receive this amount of federal funds, which is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022