

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0344.01 Alana Rosen x2606

SENATE BILL 25-151

SENATE SPONSORSHIP

Michaelson Jenet,

HOUSE SPONSORSHIP

Froelich,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT YOUTH FROM RUNNING AWAY**
102 **FROM OUT-OF-HOME PLACEMENTS, AND, IN CONNECTION**
103 **THEREWITH, PREVENTING CHILDREN OR YOUTH FROM RUNNING**
104 **AWAY FROM RESIDENTIAL CHILD CARE FACILITIES.**

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 Timothy Montoya task force (task force):

- Analyzed the root causes of why a child or youth runs away from an out-of-home placement;

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

- Developed consistent, prompt and effective responses to recover a missing child or youth;
- Addressed the safety and well-being of a child or youth upon the child's or youth's return to the out-of-home placement; and
- Made recommendations.

The bill implements the task force recommendations that focus on preventing a child or youth from running away from a residential child care facility (facility).

The bill requires the office of the child protection ombudsman (office) to contract with one or more institutions of higher education or third-party consultants (contractors), on or before July 1, 2025, to:

- Identify and adapt a runaway risk assessment tool to predict a child's or youth's risk for running away from a facility;
- Begin the process of developing a statewide data platform to collect and store data regarding children or youth who run away from facilities across the state; and
- Conduct an inventory survey of the physical infrastructure of facilities statewide to assess the physical infrastructure needs of the facilities.

On or before June 1, 2026, the contractors shall submit reports to the office summarizing the progress and development of the runaway risk assessment tool, the statewide data platform, and the inventory survey. On or before July 1, 2026, the office shall submit a report to the health and human services committees of the house of representatives and the senate, or their successor committees, summarizing the reports of the contractors.

The bill requires each facility, on or before July 1, 2026, to develop a policy that outlines how the facility responds to a child or youth who threatens or attempts to run away from care. The policy must include whether the facility uses physical restraints. Each facility shall provide a copy of the policy to parents, legal guardians, or custodians during the child's or youth's intake at the facility.

When a facility discovers that a child or youth is missing from its care, the facility shall notify the child's or youth's parent, legal guardian, or custodian within 24 hours after the discovery of the missing child or youth. If the facility cannot make initial contact with the child's or youth's parent, legal guardian, or custodian, the facility must make repeated efforts to notify the child's or youth's parent, legal guardian, or custodian.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 finds and declares that:

1 (a) Colorado provides out-of-home care to some of Colorado's
2 most vulnerable youth, including children or youth who are placed in
3 out-of-home placements for their behavioral health needs;

4 (b) Children or youth run away from out-of-home placements each
5 year, but Colorado does not have:

6 (I) A standardized statewide system in place to prevent children
7 or youth from running away;

8 (II) Protocols to actively locate children or youth while they are
9 gone; or

10 (III) A standard process to provide consistent care for children or
11 youth when they return to out-of-home placements;

12 (c) In June 2020, 12-year-old Timothy Montoya ran away from a
13 residential child care facility. While he was away from the residential
14 child care facility, he was hit by a car and killed.

15 (d) In response to Timothy Montoya's death, the Timothy
16 Montoya Task Force to Prevent Children from Running Away from
17 Out-of-Home Placements was formed to analyze the root causes of why
18 children or youth run away from out-of-home placements and to issue
19 recommendations to help improve the system designated to care for
20 children or youth;

21 (e) The Task Force found that there is no cohesive statewide
22 system in place to address the needs of the children or youth who run
23 away from out-of-home placements;

24 (f) To address this problem, the Task Force issued a series of
25 recommendations to develop an appropriate continuum of care for
26 children or youth, beginning when they are admitted into an out-of-home
27 placement and ending after they return to the out-of-home placement after

1 running away; and

2 (g) The Task Force's recommendations to develop an appropriate
3 continuum of care focus on the following areas:

4 (I) Preventing children or youth from running away from
5 out-of-home placements;

6 (II) Responding when children or youth run away from
7 out-of-home placements; and

8 (III) Ensuring that children or youth who run away receive
9 appropriate medical and mental evaluations and care when they return to
10 the out-of-home placements.

11 (2) (a) The general assembly finds, therefore, that the first step in
12 the foundation of a continuum of care for children or youth who run away
13 from out-of-home placements is to implement the Task Force's
14 recommendation regarding efforts to prevent children or youth from
15 running away, beginning with a focus on residential child care facilities
16 and later expanding efforts to other out-of-home placements.

17 (b) The general assembly further declares that an appropriate
18 continuum of care must be implemented in whole to effectively serve
19 children or youth.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3.3-112 as
21 follows:

22 **19-3.3-112. Systems and tools to prevent children or youth**
23 **from running away - residential child care facility - report -**
24 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
25 OTHERWISE REQUIRES:

26 (a) "CHILD OR YOUTH WHO HAS RUN AWAY" MEANS A CHILD OR
27 YOUTH WHO HAS LEFT AND REMAINS AWAY FROM A RESIDENTIAL CHILD

1 CARE FACILITY WITHOUT PERMISSION.

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3 (b) "RESIDENTIAL CHILD CARE FACILITY" HAS THE SAME MEANING
4 AS SET FORTH IN SECTION 26-6-903.

5 (2) (a) THE OFFICE SHALL CONDUCT A STATEWIDE INVENTORY
6 SURVEY OF THE PHYSICAL INFRASTRUCTURE OF RESIDENTIAL CHILD CARE
7 FACILITIES TO ADDRESS, AT A MINIMUM:

8 (I) THE PHYSICAL INFRASTRUCTURE CURRENTLY IN PLACE TO
9 DETER CHILDREN AND YOUTH FROM RUNNING AWAY; AND

10 (II) THE PHYSICAL INFRASTRUCTURE NEEDED TO DETER CHILDREN
11 AND YOUTH FROM RUNNING AWAY.

12 (b) THE OFFICE SHALL CONSULT WITH THE STATE DEPARTMENT TO
13 DEVELOP THE INVENTORY SURVEY. PHYSICAL INFRASTRUCTURE NEEDS
14 MAY INCLUDE, BUT ARE NOT LIMITED TO, THE USE OF DELAYED EGRESS
15 LOCKS, ALARMS, FENCING, SIGNS, AND LIGHTING.

16 (3) ON OR BEFORE JULY 1, 2026, THE OFFICE SHALL SUBMIT A
17 REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE
18 OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR
19 COMMITTEES, THAT SUMMARIZES THE RESULTS OF THE PHYSICAL
20 INFRASTRUCTURE SURVEY OF RESIDENTIAL CHILD CARE FACILITIES
21 CONDUCTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. ==

22 **SECTION 3.** In Colorado Revised Statutes, **add** 26-6-924 as
23 follows:

24 **26-6-924. Residential child care facility - notice - policy -**
25 **definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

27 (a) "CHILD" HAS THE SAME MEANING AS SET FORTH IN SECTION

1 19-1-103.

2 (b) "YOUTH" HAS THE SAME MEANING AS SET FORTH IN SECTION
3 19-1-103.

4 (2) (a) ON OR BEFORE JULY 1, 2026, EACH RESIDENTIAL CHILD
5 CARE FACILITY IN THE STATE SHALL DEVELOP AN EFFICIENT,
6 WELL-STRUCTURED, AND TRAUMA-INFORMED POLICY THAT OUTLINES HOW
7 THE RESIDENTIAL CHILD CARE FACILITY RESPONDS TO A CHILD OR YOUTH
8 WHO THREATENS OR ATTEMPTS TO RUN AWAY FROM CARE. THE POLICY
9 MUST INCLUDE WHETHER THE RESIDENTIAL CHILD CARE FACILITY USES
10 PHYSICAL RESTRAINTS. THE POLICY MUST INCLUDE ANY OTHER
11 INFORMATION THE STATE DEPARTMENT ADOPTS BY RULE PURSUANT TO
12 SUBSECTION (2)(c) OF THIS SECTION.

13 (b) EACH RESIDENTIAL CHILD CARE FACILITY SHALL PROVIDE A
14 COPY OF THE POLICY TO THE CHILD OR YOUTH AND THE CHILD'S OR
15 YOUTH'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN DURING THE CHILD'S
16 OR YOUTH'S INTAKE AT THE RESIDENTIAL CHILD CARE FACILITY.

17 (c) THE STATE DEPARTMENT SHALL ADOPT RULES REGARDING
18 ADDITIONAL INFORMATION FOR THE POLICY DESCRIBED IN SUBSECTION
19 (2)(a) OF THIS SECTION. IN DEVELOPING THE RULES, THE STATE
20 DEPARTMENT SHALL CONSULT:

- 21 (I) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
- 22 (II) A DIRECTOR OF A RESIDENTIAL CHILD CARE FACILITY;
- 23 (III) A PARENT OR FAMILY MEMBER OF A CHILD OR YOUTH WHO
24 HAS RUN AWAY FROM A RESIDENTIAL CHILD CARE FACILITY;
- 25 (IV) A YOUNG ADULT WHO RESIDED AT A RESIDENTIAL CHILD CARE
26 FACILITY WITHIN THE LAST SEVEN YEARS; AND
- 27 (V) COUNTY DEPARTMENTS.

1 (3) WHEN A RESIDENTIAL CHILD CARE FACILITY DISCOVERS THAT
2 A CHILD OR YOUTH IS MISSING FROM ITS CARE, THE RESIDENTIAL CHILD
3 CARE FACILITY SHALL NOTIFY THE CHILD'S OR YOUTH'S PARENT, LEGAL
4 GUARDIAN, OR CUSTODIAN AND GUARDIAN AD LITEM OR COUNSEL FOR
5 YOUTH WITHIN FOUR HOURS AFTER THE DISCOVERY OF THE MISSING CHILD
6 OR YOUTH. IF THE RESIDENTIAL CHILD CARE FACILITY CANNOT MAKE
7 INITIAL CONTACT WITH THE CHILD'S OR YOUTH'S PARENT, LEGAL
8 GUARDIAN, OR CUSTODIAN, THE RESIDENTIAL CHILD CARE FACILITY MUST
9 MAKE REPEATED EFFORTS TO NOTIFY THE CHILD'S OR YOUTH'S PARENT,
10 LEGAL GUARDIAN, OR CUSTODIAN.

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12 **SECTION 4. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.