

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0464.02 Jane Ritter x4342

HOUSE BILL 16-1328

HOUSE SPONSORSHIP

Lee and McCann, Court, Fields, Kagan, Kraft-Tharp, Lontine, Primavera, Salazar, Arndt, Buckner, Garnett, Ginal, Melton, Tyler

SENATE SPONSORSHIP

(None),

House Committees
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Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORY PROVISIONS RELATED TO THE USE OF**
102 **SECLUSION ON INDIVIDUALS.**

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://www.leg.state.co.us/billsummaries>.)

The bill strengthens the safety provisions for the use of restraint and seclusion on individuals, particularly youths, who are being detained by a state or local agency. Language is added to clarify that restraint or seclusion must never be used as a punishment, sanction, or part of a treatment plan, or for retaliation, or for protection, except in the case of demonstrated emergencies.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The division of youth corrections (division) within the state department of human services (department) may place a youth in emergency seclusion for a maximum of no more than 4 consecutive hours in a calendar day unless a prescribed protocol is followed for an extended emergency situation. If the emergency situation continues and the youth is in seclusion for 8 total hours in a 2-calendar-day period, the division must obtain a court order to continue the seclusion.

The division may confine a youth for a period of time not to exceed 2 hours, not including sleeping hours, in a calendar day for the completion of administrative functions, provided that the confinement is part of a routine practice that is applicable to substantial portions of the population and is not imposed in response to the behavior of one or more youth.

If an agency uses seclusion:

- ! The room or area used for seclusion must have at least 60 square feet of floor space, be clean, have adequate lighting, heating, and, by January 1, 2020, be suicide resistant;
- ! The individual in seclusion must have access to water, toilet facilities, and toilet paper;
- ! Staff shall adhere to strict timeline protocols for youth in seclusion for emergency situations;
- ! Scheduled status reports must be made to the facility director;
- ! Within 12 hours, the facility shall notify the youth's parent, guardian, or legal custodian of the fact of and need for the seclusion; and
- ! If the emergency requiring seclusion continues beyond 4 hours, the division may only continue the seclusion if it obtains written approval after a licensed physician has consulted with a qualified mental health professional who has met with the youth.

A division facility that utilizes seclusion is required to have staff undergo at least 40 hours of initial training and at least 16 hours of annual training thereafter, especially on the use and effect of seclusion on youth.

Additional reporting requirements are imposed in the bill. The division is required to keep specific documentation on file for each individual placed in seclusion. The division shall make a compilation report of the documentation to the youth seclusion working group (working group), created in the bill. Similarly, any facility that operates for the purpose of detaining youth shall report quarterly to the public health and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, on its use of seclusion.

The working group is created to study the issues surrounding the use and effect of seclusion on youth.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26-20-101 as
3 follows:

4 **26-20-101. Short title.** ~~This~~ THE SHORT TITLE OF THIS article ~~shall~~
5 ~~be known and may be cited as~~ IS the "Protection of ~~Persons~~ INDIVIDUALS
6 from Restraint AND SECLUSION Act".

7 **SECTION 2.** In Colorado Revised Statutes, 26-20-102, **amend**
8 (6) introductory portion, (6) (c), (6) (d), and (7); **add** (2.5), (3.5), (5.7),
9 (8), and (9); and **repeal** (6) (e) as follows:

10 **26-20-102. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (2.5) "DIVISION OF YOUTH CORRECTIONS" MEANS THE DIVISION OF
13 YOUTH CORRECTIONS WITHIN THE STATE DEPARTMENT CREATED
14 PURSUANT TO SECTION 19-2-203, C.R.S.

15 (3.5) "INDIVIDUAL" ENCOMPASSES BOTH ADULTS AND YOUTHS,
16 UNLESS THE CONTEXT SPECIFICALLY STATES ONE OR THE OTHER.

17 (5.7) "QUALIFIED MENTAL HEALTH PROFESSIONAL" MEANS AN
18 INDIVIDUAL WHO IS A LICENSED PSYCHOLOGIST, PSYCHIATRIST, OR
19 LICENSED CLINICAL SOCIAL WORKER OR WHO IS A BEHAVIORAL HEALTH
20 SPECIALIST EMPLOYED BY THE DIVISION OF YOUTH CORRECTIONS.

21 (6) "Restraint" means any method or device used to involuntarily
22 limit freedom of movement, including ~~but not limited to~~ bodily physical
23 force, mechanical devices, or chemicals. "Restraint" includes a chemical
24 restraint, a mechanical restraint, a AND physical restraint. ~~and seclusion.~~
25 "Restraint" does not include:

26 (c) The holding of an individual for less than five minutes by a

1 staff person for protection of the individual or other persons; OR

2 (d) Placement of an inpatient or resident in his or her room for the
3 night. ~~or~~

4 (e) ~~The use of time-out as may be defined by written policies,~~
5 ~~rules, or procedures of an agency.~~

6 (7) "Seclusion" means the INVOLUNTARY placement of ~~a person~~
7 AN INDIVIDUAL alone in a room OR AREA from which egress is
8 ~~involuntarily~~ prevented, EXCEPT DURING NORMAL SLEEPING HOURS.

9 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
10 HUMAN SERVICES.

11 (9) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN
12 TWENTY-ONE YEARS OF AGE.

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 26-20-103 as
14 follows:

15 **26-20-103. Basis for use of restraint or seclusion.** (1) Subject
16 to the provisions of this article, an agency may only use restraint OR
17 SECLUSION ON AN INDIVIDUAL:

- 18 (a) In cases of emergency; and
19 (b) (I) After the failure of less restrictive alternatives; or
20 (II) After a determination that such alternatives would be
21 inappropriate or ineffective under the circumstances.

22 (1.5) RESTRAINT AND SECLUSION MUST NEVER BE USED:

- 23 (a) AS A PUNISHMENT OR DISCIPLINARY SANCTION;
24 (b) AS PART OF A TREATMENT PLAN OR BEHAVIOR MODIFICATION
25 PLAN;
26 (c) FOR THE PURPOSE OF RETALIATION BY STAFF; OR
27 (d) FOR THE PURPOSE OF PROTECTION, UNLESS:

1 (I) THE RESTRAINT OR SECLUSION IS ORDERED BY THE COURT; OR

2 (II) IN AN EMERGENCY, AS PROVIDED FOR IN SUBSECTION (1) OF
3 THIS SECTION.

4 (2) An agency that uses restraint OR SECLUSION pursuant to the
5 provisions of subsection (1) of this section shall use such restraint OR
6 SECLUSION:

7 (a) ~~FOR ONLY FOR~~ the purpose of preventing the continuation or
8 renewal of an emergency;

9 (b) ~~FOR ONLY FOR~~ the period of time necessary to accomplish its
10 purpose; and

11 (c) In the case of physical restraint, ~~using~~ ONLY IF no more force
12 than is necessary to limit the individual's freedom of movement IS USED.

13 (3) In addition to the circumstances described in subsection (1) of
14 this section, a facility, as defined in section 27-65-102 (7), C.R.S., that is
15 designated by the executive director of the STATE department of human
16 services to provide treatment pursuant to section 27-65-105, 27-65-106,
17 27-65-107, or 27-65-109, C.R.S., to ~~a person~~ AN INDIVIDUAL with mental
18 illness, as defined in section 27-65-102 (14), C.R.S., may use seclusion
19 to restrain ~~a person~~ AN INDIVIDUAL with a mental illness when the
20 seclusion is necessary to eliminate a continuous and serious disruption of
21 the treatment environment.

22 (4) (a) The general assembly recognizes that skilled nursing and
23 nursing care facilities that participate in federal medicaid programs are
24 subject to federal statutes and regulations concerning the use of restraint
25 in such facilities that afford protections from restraint in a manner
26 consistent with the purposes and policies set forth in this article.

27 (b) If the use of restraint OR SECLUSION in skilled nursing and

1 nursing care facilities licensed under state law is in accordance with the
2 federal statutes and regulations governing the medicare program set forth
3 in 42 U.S.C. sec. 1395i-3(c) and 42 CFR part 483, subpart B and the
4 medicaid program set forth in 42 U.S.C. sec. 1396r(c) and 42 CFR part
5 483, subpart B and with the rules of the department of public health and
6 environment relating to the licensing of these facilities, there ~~shall be~~ IS
7 a conclusive presumption that ~~such~~ use of restraint OR SECLUSION is in
8 accordance with the provisions of this article.

9 (5) (a) The general assembly recognizes that article 10.5 of title
10 27, C.R.S., AND ARTICLE 10 OF TITLE 25.5, C.R.S., and the rules
11 promulgated pursuant to the ~~authority~~ AUTHORITIES set forth in ~~that article~~
12 THOSE ARTICLES, address the use of restraint on ~~a person~~ AN INDIVIDUAL
13 with a developmental disability.

14 (b) If any provision of this article concerning the use of restraint
15 OR SECLUSION conflicts with any provision concerning the use of restraint
16 OR SECLUSION stated in article 10.5 of title 27, C.R.S., ARTICLE 10 OF
17 TITLE 25.5, C.R.S., or any ~~regulation~~ RULE adopted pursuant thereto, the
18 provision of article 10.5 of title 27, C.R.S., ARTICLE 10 OF TITLE 25.5,
19 C.R.S., or the ~~regulation~~ RULE adopted pursuant thereto ~~shall prevail~~
20 PREVAILS.

21 (6) The provisions of this article ~~shall~~ DO not apply to any agency
22 ~~while~~ engaged in transporting ~~a person~~ AN INDIVIDUAL from one facility
23 or location to another facility or location when it is within the scope of
24 that agency's powers and authority to effect such transportation.

25 **SECTION 4.** In Colorado Revised Statutes, **add** 26-20-104.5 as
26 follows:

27 **26-20-104.5. Duties relating to use of seclusion by division of**

1 **youth corrections.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION
2 26-20-103 TO THE CONTRARY, IF THE DIVISION OF YOUTH CORRECTIONS
3 HOLDS A YOUTH IN SECLUSION:

4 (a) THE ROOM OR AREA USED FOR SECLUSION MUST HAVE AT LEAST
5 SIXTY SQUARE FEET OF FLOOR SPACE AND HAVE ADEQUATE, OPERATING
6 LIGHTING, HEATING, COOLING, AND VENTILATION. THE ROOM OR AREA
7 MUST BE CLEAN AND, BY JANUARY 1, 2020, SUICIDE RESISTANT AND
8 PROTRUSION-FREE.

9 (b) THE YOUTH IN SECLUSION MUST HAVE ACCESS TO WATER,
10 TOILET FACILITIES, AND TOILET PAPER IF HE OR SHE IS HELD IN SECLUSION
11 FOR MORE THAN FIFTEEN MINUTES;

12 (c) A STAFF MEMBER SHALL CHECK THE YOUTH'S SAFETY AT
13 VARYING INTERVALS, BUT AT LEAST EVERY FIFTEEN MINUTES;

14 (d) WITHIN THIRTY MINUTES AFTER THE BEGINNING OF THE
15 YOUTH'S SECLUSION PERIOD, AND EVERY THIRTY MINUTES THEREAFTER,
16 A STAFF MEMBER SHALL MEET WITH THE YOUTH IN SECLUSION, ATTEMPT
17 TO DE-ESCALATE THE YOUTH, AND WORK TO PROCESS THE YOUTH OUT OF
18 SECLUSION AS SOON AS POSSIBLE;

19 (e) WITHIN ONE HOUR AFTER THE BEGINNING OF THE YOUTH'S
20 SECLUSION PERIOD, AND EVERY THIRTY MINUTES THEREAFTER, A STAFF
21 MEMBER SHALL NOTIFY THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE
22 OF THE SECLUSION AND RECEIVE HIS OR HER APPROVAL OF THE SECLUSION;

23 (f) WITHIN ONE HOUR AFTER THE BEGINNING OF THE YOUTH'S
24 SECLUSION PERIOD, A QUALIFIED MENTAL HEALTH PROFESSIONAL SHALL
25 MEET WITH THE YOUTH IN SECLUSION AND WORK TO PROCESS THE YOUTH
26 OUT OF SECLUSION AS SOON AS POSSIBLE; AND

27 (g) WITHIN TWELVE HOURS AFTER THE BEGINNING OF THE YOUTH'S

1 SECLUSION PERIOD, THE DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY
2 THE YOUTH'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND INFORM
3 THAT PERSON THAT THE YOUTH IS OR WAS IN SECLUSION AND THE REASON
4 FOR HIS OR HER SECLUSION.

5 (2) (a) A YOUTH PLACED IN SECLUSION BECAUSE OF AN ONGOING
6 EMERGENCY MUST NOT BE HELD IN SECLUSION BEYOND FOUR
7 CONSECUTIVE HOURS, UNLESS THE REQUIREMENTS OF PARAGRAPH (b) OF
8 THIS SUBSECTION (2) ARE SATISFIED. AFTER FOUR HOURS, THE STAFF
9 SHALL RETURN THE YOUTH TO THE MILIEU OR CONSULT WITH A QUALIFIED
10 MENTAL HEALTH PROFESSIONAL TO DETERMINE IF A REFERRAL TO A
11 MENTAL HEALTH FACILITY IS NECESSARY.

12 (b) IF AN EMERGENCY SITUATION OCCURS THAT CONTINUES
13 BEYOND FOUR CONSECUTIVE HOURS AND THE YOUTH IN SECLUSION DOES
14 NOT REQUIRE A TRANSFER TO A MENTAL HEALTH FACILITY, THE DIVISION
15 OF YOUTH CORRECTIONS MAY ONLY CONTINUE THE USE OF SECLUSION FOR
16 THAT YOUTH IF THE FOLLOWING CRITERIA ARE MET:

17 (I) A LICENSED PHYSICIAN, IN CONSULTATION WITH A QUALIFIED
18 MENTAL HEALTH PROFESSIONAL WHO HAS MET WITH THE YOUTH,
19 APPROVES, IN WRITING AT FOUR HOURS AND EVERY TWO HOURS
20 THEREAFTER, THE CONTINUED USE OF SECLUSION; AND

21 (II) A YOUTH MAY NOT BE HELD IN SECLUSION UNDER ANY
22 CIRCUMSTANCES FOR MORE THAN EIGHT TOTAL HOURS IN TWO
23 CONSECUTIVE CALENDAR DAYS WITHOUT A WRITTEN COURT ORDER.

24 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
25 THE DIVISION OF YOUTH CORRECTIONS MAY PLACE A YOUTH
26 INVOLUNTARILY ALONE IN A ROOM OR AREA FROM WHICH EGRESS IS
27 PREVENTED IF SUCH CONFINEMENT IS PART OF A ROUTINE PRACTICE THAT

1 IS APPLICABLE TO SUBSTANTIAL PORTIONS OF THE POPULATION AND IS NOT
2 IMPOSED IN RESPONSE TO THE BEHAVIOR OF ONE OR MORE YOUTH. SUCH
3 CONFINEMENT MUST BE IMPOSED FOR THE COMPLETION OF
4 ADMINISTRATIVE TASKS AND SHOULD LAST NO LONGER THAN NECESSARY
5 TO ACHIEVE THE TASK SAFELY AND EFFECTIVELY. CONFINEMENT
6 PURSUANT TO THIS SUBSECTION (3) MUST NOT EXCEED TWO HOURS, NOT
7 INCLUDING SLEEPING HOURS, IN A CALENDAR DAY UNLESS
8 EXTRAORDINARY CIRCUMSTANCES EXIST AND ARE DOCUMENTED.

9 **SECTION 5.** In Colorado Revised Statutes, **amend** 26-20-105 as
10 follows:

11 **26-20-105. Staff training concerning the use of restraints and**
12 **seclusion - adults and youth.** (1) ~~All agencies~~ AN AGENCY THAT
13 UTILIZES RESTRAINT OR SECLUSION shall ensure that ALL staff INVOLVED
14 IN utilizing restraint OR SECLUSION in ITS facilities or programs are trained
15 in the appropriate use of restraint AND SECLUSION.

16 (1.5) THE DIVISION OF YOUTH CORRECTIONS SHALL ENSURE THAT
17 TRAINING FOR STAFF WHO ARE EMPLOYED BY A FACILITY THAT HOUSES
18 YOUTHS INCLUDES AT LEAST FORTY HOURS OF INITIAL TRAINING AND AT
19 LEAST SIXTEEN HOURS OF ANNUAL TRAINING RELATED TO:

20 (a) ADOLESCENT DEVELOPMENT;

21 (b) THE VALUE OF POSITIVE OVER NEGATIVE REINFORCEMENT IN
22 DEALING WITH YOUTH AND METHODS OF IMPLEMENTING POSITIVE
23 BEHAVIOR INCENTIVES;

24 (c) THE HEALTH AND BEHAVIORAL EFFECTS OF RESTRAINT AND
25 SECLUSION ON INDIVIDUALS GENERALLY AND YOUTH PARTICULARLY;

26 (d) EFFECTIVE DE-ESCALATION TECHNIQUES TO USE WITH YOUTHS;

27 (e) THE SIGNS AND SYMPTOMS OF MENTAL ILLNESS AND OTHER

1 SIGNIFICANT MENTAL IMPAIRMENTS;

2 (f) METHODS TO EFFECTIVELY AND SAFELY MANAGE YOUTH WITH
3 MENTAL ILLNESS OR WITH OTHER MENTAL OR INTELLECTUAL DISABILITIES;

4 AND

5 (g) METHODS TO EFFECTIVELY AND SAFELY MANAGE YOUTH IN
6 CRISIS.

7 (2) All agencies THAT UTILIZE RESTRAINT OR SECLUSION shall
8 ensure that staff are trained to explain, where possible, the use of restraint
9 OR SECLUSION to the individual who is to be restrained OR SECLUDED and
10 to the individual's family if appropriate.

11 **SECTION 6.** In Colorado Revised Statutes, **amend** 26-20-106 as
12 follows:

13 **26-20-106. Documentation requirements for restraint and**
14 **seclusion - adults and youth.** (1) Each agency shall ensure that ~~an~~
15 ~~appropriate notation~~ of the use of restraint OR SECLUSION is documented
16 in the record of the individual WHO WAS restrained OR SECLUDED. Each
17 agency that is authorized to promulgate rules or adopt ordinances shall
18 promulgate rules or adopt ordinances applicable to the agencies within
19 their respective jurisdictions specifying the documentation requirements
20 for purposes of this section.

21 (2) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE
22 FOLLOWING DOCUMENTATION EACH TIME A YOUTH IS PLACED IN
23 SECLUSION AS A RESULT OF AN EMERGENCY:

24 (a) THE DATE OF THE OCCURRENCE;

25 (b) THE RACE, ETHNICITY, AGE, AND GENDER OF THE INDIVIDUAL;

26 (c) THE REASON OR REASONS FOR SECLUSION, INCLUDING A
27 DESCRIPTION OF THE EMERGENCY AND THE SPECIFIC FACTS THAT

1 DEMONSTRATE THAT THE YOUTH POSED A SERIOUS, PROBABLE, AND
2 IMMINENT DANGER OF BODILY HARM TO HIMSELF, HERSELF, OR OTHERS,
3 AND THAT THERE WAS A PRESENT ABILITY TO EFFECT SUCH BODILY HARM;

4 (d) A DESCRIPTION OF DE-ESCALATION MEASURES TAKEN BY STAFF
5 AND THE RESPONSE, IF ANY, OF THE YOUTH IN SECLUSION TO THOSE
6 MEASURES;

7 (e) AN EXPLANATION OF WHY LESS RESTRICTIVE ALTERNATIVES
8 WERE UNSUCCESSFUL;

9 (f) THE TOTAL TIME IN SECLUSION;

10 (g) ANY INCIDENTS OF SELF-HARM OR SUICIDE THAT OCCURRED
11 WHILE THE YOUTH WAS IN SECLUSION;

12 (h) WITH RESPECT TO THE THIRTY-MINUTE INTERACTIONS
13 REQUIRED BY SECTION 26-20-104.5, DOCUMENTATION OF THE
14 JUSTIFICATION FOR KEEPING THE YOUTH IN SECLUSION AND SPECIFIC FACTS
15 TO DEMONSTRATE THAT THE EMERGENCY WAS ONGOING;

16 (i) THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE'S APPROVAL
17 OF CONTINUED SECLUSION AT INTERVALS AS REQUIRED BY SECTION
18 26-20-104.5;

19 (j) DOCUMENTATION OF NOTIFICATION WITHIN TWELVE HOURS TO
20 THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE YOUTH IN
21 SECLUSION AS REQUIRED BY SECTION 26-20-104.5; AND

22 (k) ANY WRITTEN APPROVAL BY A LICENSED PHYSICIAN FOR ANY
23 SECLUSION THAT RESULTS FROM AN EMERGENCY THAT EXTENDS BEYOND
24 FOUR CONSECUTIVE HOURS, AS REQUIRED BY SECTION 26-20-104.5. THIS
25 WRITTEN APPROVAL INCLUDES DOCUMENTATION OF SPECIFIC FACTS TO
26 DEMONSTRATE THAT THE EMERGENCY WAS ONGOING, SPECIFIC REASONS
27 WHY A REFERRAL TO A MENTAL HEALTH FACILITY WAS NOT WARRANTED

1 OR APPROPRIATE, AND AN ASSESSMENT OF THE EFFECT OF THE EXTENDED
2 SECLUSION ON THE YOUTH'S MENTAL HEALTH.

3 (3) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE
4 FOLLOWING DOCUMENTATION EACH TIME A YOUTH IS PLACED IN
5 CONFINEMENT FOR ADMINISTRATIVE REASONS PURSUANT TO SECTION
6 26-20-104.5 (3):

7 (a) THE LENGTH OF TIME THE YOUTH WAS CONFINED; AND

8 (b) THE REASON OR REASONS FOR THE CONFINEMENT.

9 (4) THE DIVISION OF YOUTH CORRECTIONS HAS THE FOLLOWING
10 REPORTING REQUIREMENTS RELATED TO ITS USE OF SECLUSION:

11 (a) TO REPORT QUARTERLY TO THE PUBLIC HEALTH CARE AND
12 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND
13 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY
14 SUCCESSOR COMMITTEES, THE FOLLOWING:

15 (I) A REPORT ON ANY YOUTH WHOM THE DIVISION OF YOUTH
16 CORRECTIONS HELD IN SECLUSION DUE TO AN EMERGENCY FOR MORE THAN
17 FOUR CONSECUTIVE HOURS, OR FOR MORE THAN EIGHT TOTAL HOURS IN A
18 SEVEN-DAY PERIOD. EACH REPORT MUST INCLUDE THE REASONS WHY
19 ATTEMPTS TO PROCESS THE YOUTH OUT OF SECLUSION WERE
20 UNSUCCESSFUL AND ANY CORRECTIVE MEASURES TAKEN TO PREVENT
21 LENGTHY PERIODS OF SECLUSION IN THE FUTURE.

22 (II) A REPORT THAT LISTS, FOR THE PREVIOUS QUARTER, THE
23 NUMBER OF YOUTH WHO WERE HELD IN SECLUSION DUE TO AN EMERGENCY
24 FOR THE ENTIRE DIVISION, THE AVERAGE TIME IN SECLUSION FOR YOUTH,
25 THE TOTAL NUMBER OF YOUTH HELD IN SECLUSION PER FACILITY, THE
26 COLLECTIVE AMOUNT OF TIME FOR ALL YOUTH HELD IN SECLUSION AT
27 EACH FACILITY, AND AN AGGREGATE SUMMARY OF RACE, ETHNICITY, AGE,

1 GENDER, AND THE REASON FOR SECLUSION FOR THE YOUTH; AND

2 (III) A REPORT THAT LISTS, FOR THE PREVIOUS QUARTER, THE
3 NUMBER OF YOUTH WHO WERE CONFINED FOR ADMINISTRATIVE PURPOSES
4 PURSUANT TO SECTION 26-20-104.5 (3) FOR THE ENTIRE DIVISION, THE
5 AVERAGE TIME IN SUCH CONFINEMENT PER YOUTH PER DAY AND PER
6 WEEK, THE NUMBER OF YOUTH WHO WERE CONFINED FOR ADMINISTRATIVE
7 PURPOSES PER FACILITY, THE AVERAGE TIME OF SUCH CONFINEMENT PER
8 DAY AND PER WEEK AT EACH FACILITY, AND THE REASONS FOR
9 CONFINEMENT; AND

10 (b) TO PROVIDE THE DOCUMENTATION REQUIRED BY THIS
11 SUBSECTION (4) TO THE YOUTH SECLUSION WORKING GROUP ESTABLISHED
12 IN SECTION 26-20-110 AND, UPON THE WORKING GROUP'S REQUEST, TO
13 PROVIDE RECORDS KEPT PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS
14 SECTION, WITH ANY IDENTIFYING INFORMATION OF YOUTH REDACTED.

15 (5) REPORTS PREPARED PURSUANT TO THIS SECTION MUST
16 MAINTAIN THE CONFIDENTIALITY OF ALL YOUTH. THE REPORTS MADE
17 PURSUANT TO THIS SECTION ARE AVAILABLE TO THE PUBLIC UPON
18 REQUEST.

19 **SECTION 7.** In Colorado Revised Statutes, **amend** 26-20-107 as
20 follows:

21 **26-20-107. Review of the use of restraint and seclusion.** ~~Each~~
22 AN agency THAT UTILIZES RESTRAINT OR SECLUSION shall ensure that a
23 review process is established for the appropriate use of restraint OR
24 SECLUSION.

25 **SECTION 8.** In Colorado Revised Statutes, **amend** 26-20-108 as
26 follows:

27 **26-20-108. Rules.** ~~Each~~ AN agency that is authorized to

1 promulgate rules or adopt ordinances shall promulgate rules or adopt
2 ordinances applicable to the agencies within their respective jurisdictions
3 that establish procedures for the use of restraint AND SECLUSION
4 consistent with the provisions of this article. Any agency that has rules or
5 ordinances in existence on April 22, 1999, is not required to promulgate
6 additional rules or adopt additional ordinances unless that agency's
7 existing rules or ordinances do not meet the minimum requirements of
8 this article.

9 **SECTION 9.** In Colorado Revised Statutes, **add** 26-20-110 as
10 follows:

11 **26-20-110. Youth seclusion working group - membership -**
12 **purpose - repeal.** (1) THERE IS ESTABLISHED WITHIN THE DIVISION OF
13 YOUTH CORRECTIONS A YOUTH SECLUSION WORKING GROUP, REFERRED TO
14 IN THIS SECTION AS THE "WORKING GROUP". THE WORKING GROUP
15 CONSISTS OF:

16 (a) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND
17 FAMILIES IN THE DIVISION OF CHILD WELFARE WITHIN THE STATE
18 DEPARTMENT, OR HIS OR HER DESIGNEE. THE DIRECTOR SHALL CONVENE
19 THE WORKING GROUP AND SERVE AS CHAIR.

20 (b) THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS, OR
21 HIS OR HER DESIGNEE;

22 (c) THE DIRECTOR OF BEHAVIORAL HEALTH WITHIN THE DIVISION
23 OF YOUTH CORRECTIONS, OR HIS OR HER DESIGNEE;

24 (d) THE DIRECTOR OF THE OFFICE OF BEHAVIORAL HEALTH, OR HIS
25 OR HER DESIGNEE;

26 (e) THE MANAGER OF THE OFFICE OF ADULT AND JUVENILE JUSTICE
27 ASSISTANCE IN THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT

1 OF PUBLIC SAFETY, OR HIS OR HER DESIGNEE;

2 (f) A REPRESENTATIVE FROM THE OFFICE OF THE CHILD'S
3 REPRESENTATIVE;

4 (g) A REPRESENTATIVE FROM EITHER THE OFFICE OF ALTERNATE
5 DEFENSE COUNSEL OR THE OFFICE OF THE PUBLIC DEFENDER WHO
6 REGULARLY REPRESENTS JUVENILES WHO ARE BEING HELD BY THE
7 DIVISION OF YOUTH CORRECTIONS;

8 (h) TWO REPRESENTATIVES FROM NONPROFIT ADVOCACY GROUPS
9 THAT WORK TO RESTRICT SECLUSION FOR YOUTH, ONE WHO IS APPOINTED
10 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE WHO IS
11 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

12 (i) TWO EXPERTS WITH GENERAL EXPERTISE IN ADOLESCENT
13 DEVELOPMENT, ADOLESCENT BRAIN DEVELOPMENT, TRAUMA-INFORMED
14 CARE OF JUVENILES, POSITIVE BEHAVIOR INCENTIVES IN A JUVENILE
15 CORRECTIONAL SETTING, EVIDENCE-BASED DE-ESCALATION TECHNIQUES,
16 OR THE NEGATIVE EFFECTS OF SECLUSION ON THE ADOLESCENT BRAIN. THE
17 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT
18 ONE EXPERT, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT
19 THE OTHER EXPERT.

20 (2) THE WORKING GROUP SHALL ADVISE THE DIVISION OF YOUTH
21 CORRECTIONS ON POLICIES, PROCEDURES, AND BEST PRACTICES RELATED
22 TO SECLUSION AND ALTERNATIVES TO SUCH SECLUSION.

23 (3) THE WORKING GROUP SHALL MONITOR THE DIVISION OF YOUTH
24 CORRECTIONS' USE OF CONFINEMENT FOR ADMINISTRATIVE PURPOSES AND,
25 IF NECESSARY, MAKE RECOMMENDATIONS TO THE DIVISION OF YOUTH
26 CORRECTIONS AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND

1 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
2 COMMITTEES, ABOUT LIMITING THE USE OF CONFINEMENT FOR
3 ADMINISTRATIVE PURPOSES.

4 (4) THE WORKING GROUP MAY REQUEST ON A QUARTERLY BASIS
5 INFORMATION AND DATA FROM THE STATE DEPARTMENT ON THE STATUS
6 OF THE DIVISION OF YOUTH CORRECTIONS' WORK RELATED TO THE
7 SECLUSION OF YOUTH IN THEIR CARE AND CUSTODY.

8 (5) THE CHAIR OF THE WORKING GROUP SHALL CONVENE THE
9 WORKING GROUP'S FIRST MEETING NO LATER THAN AUGUST 1, 2016. THE
10 WORKING GROUP MUST MEET AT LEAST SEMI-ANNUALLY THEREAFTER. THE
11 CHAIR SHALL SCHEDULE AND CONVENE SUBSEQUENT MEETINGS.

12 (6) THE CHAIR SHALL PROVIDE THE WORKING GROUP WITH
13 QUARTERLY UPDATES ON THE DIVISION OF YOUTH CORRECTIONS' POLICIES
14 RELATED TO SECLUSION AND ALTERNATIVES TO SECLUSION.

15 (7) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

16 (b) PRIOR TO THE REPEAL, THE WORKING GROUP SHALL BE
17 REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

18 **SECTION 10.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
19 (mm) (II) as follows:

20 **2-3-1203. Sunset review of advisory committees.** (3) The
21 following dates are the dates on which the statutory authorization for the
22 designated advisory committee is scheduled for repeal:

23 (mm) September 1, 2026:

24 (II) YOUTH SECLUSION WORKING GROUP IN THE DIVISION OF
25 YOUTH CORRECTIONS, CREATED IN SECTION 26-20-110, C.R.S.;

26 **SECTION 11. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.