

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

INTRODUCED

LLS NO. 23-0969.01 Conrad Imel x2313

HOUSE BILL 23-1307

HOUSE SPONSORSHIP

Daugherty and Soper,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENHANCED SUPPORTS FOR YOUTH WHO ARE IN**
102 **DETENTION.**

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 general assembly to appropriate \$3,340,119 to the department of human services (department) in each fiscal year for services for youth who can be placed in lieu of detention. Of the money, the department shall:

- Allocate \$200,000 to judicial districts for services for detained youth and supports for youth moving from

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.*

- detention to treatment or other placements;
- Use \$1,780,137 to incentivize and remove barriers for licensed providers to serve youth who may be placed in community residential facilities or family-like settings in lieu of detention; and
- Use \$1,359,982 of the money for temporary emergency detention beds for juveniles.

Existing law limits the number of juvenile detention beds available for juveniles statewide, which are allocated to catchment areas established by the department together with the state court administrator in the judicial department. The beds in each catchment area are allocated to each judicial district in the catchment area. The bill establishes 22 temporary emergency detention beds that may be used, pursuant to a court order, when there are no available judicial detention beds in a catchment area. The department allocates temporary emergency detention beds to each catchment area. The bill sets forth the process for a court to issue an order permitting the use of a temporary emergency detention bed. Temporary emergency detention beds do not count toward the statewide juvenile detention bed limit.

The court is required to immediately appoint a guardian ad litem for each detained juvenile.

Under existing law, the working group for criteria for placement of juvenile offenders, known as the CYDC working group, is required to review data collected by the division of youth services every 2 years. The bill requires the CDYC working group to conduct the review annually.

The department is required to collect statewide data about:

- Youth eligible for release from a detention facility without an additional court order if services or placements are available for the youth;
- The use of temporary emergency detention beds; and
- Youth released from detention solely because the number of youth detained statewide exceeds the statewide detention bed cap.

The department shall annually report the statewide data to the CYDC working group, the house of representatives and senate judiciary committees, the house of representatives public and behavioral health and human services committee, and the senate health and human services committee, or any successor committees.

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) Across the state, there is a need for community-based services
2 and supports spanning the youth services continuum that help to serve
3 youth, including those with high mental health needs, significant
4 substance abuse concerns, or other unmet needs. The state of Colorado
5 must ensure adequate resources to provide community services and
6 supports that could safely keep youth in the home or place youth who are
7 unable to return home in appropriate therapeutic out-of-home placements.

8 (b) Additional investment in alternatives to incarceration is
9 necessary to develop and expand inpatient beds available to treat youth
10 with substance use disorders; residential treatment programs for youth
11 with mental health needs; community-based mental health services for
12 children and families; and other community-based, culturally relevant,
13 developmentally appropriate services, including mentorship programs for
14 youth;

15 (c) The general assembly recognized the need for more inpatient
16 treatment beds for adolescents with substance use disorders in section
17 27-80-127, Colorado Revised Statutes, and required the behavioral health
18 administration to create, develop, or contract for additional substance use
19 treatment beds for youth;

20 (d) The general assembly further recognized the need to eliminate
21 barriers to youth moving into the least restrictive placements by
22 establishing the high-risk families cash fund in section 27-80-123,
23 Colorado Revised Statutes, to better serve children and youth at risk of
24 entering, or who are involved in, the juvenile justice system, and by
25 providing funding for a youth neuro-psych facility, psychiatric residential
26 treatment programs, and qualified residential treatment programs in
27 section 27-90-112, Colorado Revised Statutes;

1 (e) A lack of appropriate out-of-home, non-secure, specialized
2 placements for youth is causing some youth who could otherwise be
3 placed in lieu of detention to be detained in a division of youth services
4 youth detention center for longer than if the placements were available;

5 (f) The Colorado youth detention continuum (CYDC) advisory
6 board has developed new metrics to determine current needs related to
7 youth detention that can help interested parties understand how many
8 youth are currently held in secure detention until a licensed residential
9 treatment option accepts the youth into their milieu and identify creative
10 solutions that are available to manage the juvenile detention bed cap to
11 best serve Colorado youth; and

12 (g) Guardian ad litem provide critical services for youth involved
13 with the juvenile justice system, including providing advocacy and
14 representation in court settings for detained youth.

15 (2) Therefore, the general assembly declares that support is
16 needed for the department of human services to provide incentives to
17 community-based residential providers to serve youth exiting secure
18 detention and to build additional capacity for community-based, culturally
19 relevant, developmentally appropriate services, including prevention,
20 intervention, and mentorship programs, that can be offered to youth being
21 held in secure detention and as they exit into the community.

22 (3) The general assembly further finds that it is beneficial for the
23 department of human services to track necessary metrics to understand
24 the need for funds for services and placements on an ongoing basis and
25 support the CYDC advisory board in recommending ways to meet this
26 need and manage the current juvenile detention bed cap.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 19-2.5-1407.3

1 as follows:

2 **19-2.5-1407.3. Appropriation to the department of human**
3 **services - allocation to judicial districts - provider incentives -**
4 **temporary emergency detention beds - repeal.** (1) FOR STATE FISCAL
5 YEAR 2023-24, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE
6 GENERAL ASSEMBLY SHALL APPROPRIATE THREE MILLION THREE HUNDRED
7 FORTY THOUSAND ONE HUNDRED NINETEEN DOLLARS FROM THE GENERAL
8 FUND TO THE DEPARTMENT FOR YOUTH WHO CAN BE PLACED IN LIEU OF
9 DETENTION.

10 (2) OF THE MONEY APPROPRIATED PURSUANT TO SUBSECTION (1)
11 OF THIS SECTION, THE DEPARTMENT SHALL ALLOCATE TWO HUNDRED
12 THOUSAND DOLLARS FOR USE BY THE DIVISION OF YOUTH SERVICES TO
13 SUPPORT SERVICES FOR YOUTH WHO ARE DETAINED OR CAN BE PLACED IN
14 LIEU OF DETENTION. THE DIVISION MAY USE THE MONEY FOR ANY OF THE
15 FOLLOWING:

16 (a) COMMUNITY-BASED OUTPATIENT THERAPEUTIC SERVICES,
17 INCLUDING MENTAL AND BEHAVIORAL HEALTH SERVICES, FAMILY
18 THERAPY SERVICES, AND SUBSTANCE USE TREATMENT AND THERAPY;

19 (b) MENTORSHIP SERVICES FOR YOUTH, INCLUDING ENSURING
20 CONTINUITY OF MENTORSHIP SERVICES AFTER A YOUTH IS RELEASED FROM
21 DETENTION; AND

22 (c) SUPPORTS TO ASSIST WITH MOVING YOUTH WHO REQUIRE
23 OUT-OF-HOME PLACEMENT QUICKLY FROM DETENTION TO THE
24 OUT-OF-HOME PLACEMENT, INCLUDING, BUT NOT LIMITED TO:

25 (I) SUPPORT FOR A GRANDPARENT, KIN, OR OTHER SUITABLE
26 PERSON FOR CARE OF A JUVENILE RELEASED TO THE PERSON'S CARE;

27 (II) SUPPORT FOR FOSTER PARENTS;

1 (III) RECRUITMENT OF FOSTER PARENTS; AND

2 (IV) RESPITE CHILD CARE.

3 (3) OF THE MONEY APPROPRIATED PURSUANT TO SUBSECTION (1)
4 OF THIS SECTION, THE DEPARTMENT SHALL USE ONE MILLION SEVEN
5 HUNDRED EIGHTY THOUSAND ONE HUNDRED THIRTY-SEVEN DOLLARS TO
6 PROVIDE INCENTIVES AND REMOVE BARRIERS FOR LICENSED PROVIDERS TO
7 SERVE YOUTH WHO MAY BE PLACED IN COMMUNITY RESIDENTIAL
8 FACILITIES OR FAMILY-LIKE SETTINGS IN LIEU OF DETENTION. IN ORDER TO
9 BE ELIGIBLE TO RECEIVE AN INCENTIVE OR OTHER FUNDING PURSUANT TO
10 THIS SUBSECTION (3), A PROVIDER MUST BE LICENSED TO PROVIDE OR
11 OPERATE ANY OF THE FOLLOWING: TEMPORARY SHELTER, AS DEFINED IN
12 SECTION 19-1-103; A RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN
13 SECTION 26-6-903; A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, AS
14 DEFINED IN SECTION 26-5.4-102; A PSYCHIATRIC RESIDENTIAL TREATMENT
15 FACILITY, AS DEFINED IN SECTION 25.5-4-103; THERAPEUTIC FOSTER CARE
16 OR TREATMENT FOSTER CARE, AS EACH IS DEFINED IN SECTION 26-6-903;
17 OR A FOSTER CARE HOME, AS DEFINED IN SECTION 26-6-903 (10).

18 (4) (a) OF THE MONEY APPROPRIATED PURSUANT TO SUBSECTION
19 (1) OF THIS SECTION, THE DEPARTMENT SHALL USE ONE MILLION THREE
20 HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS
21 FOR THE PROVISION OF TEMPORARY EMERGENCY DETENTION BEDS
22 DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION.

23 (b) TWENTY-TWO TEMPORARY EMERGENCY DETENTION BEDS ARE
24 AVAILABLE STATEWIDE. A TEMPORARY EMERGENCY DETENTION BED DOES
25 NOT COUNT TOWARD THE LIMIT OF JUVENILE DETENTION BEDS AVAILABLE
26 PURSUANT TO SECTION 19-2.5-1514. THE DEPARTMENT SHALL ANNUALLY
27 ALLOCATE THE NUMBER OF TEMPORARY EMERGENCY DETENTION BEDS TO

1 EACH CATCHMENT AREA IN THE STATE CREATED PURSUANT TO SECTION
2 19-2.5-1513. A TEMPORARY EMERGENCY DETENTION BED MAY BE MADE
3 AVAILABLE TO A JUDICIAL DISTRICT PURSUANT TO A COURT ORDER ISSUED
4 PURSUANT TO, AND SUBJECT TO THE RESTRICTIONS SET FORTH IN,
5 SUBSECTION (4)(c) OF THIS SECTION.

6 (c) (I) THE DISTRICT ATTORNEY OF A JUDICIAL DISTRICT OR A
7 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY PETITION THE
8 COURT TO EXCEED THE NUMBER OF JUVENILE DETENTION BEDS
9 ALLOCATED TO A CATCHMENT AREA PURSUANT TO SECTION 19-2.5-1405
10 FOR FIVE BUSINESS DAYS IF:

11 (A) WHEN ALL STATUTORILY AVAILABLE DETENTION BEDS
12 ALLOCATED TO THE JUDICIAL DISTRICT AND ANY JUDICIAL DISTRICT
13 SHARING THE SAME FACILITY ARE OCCUPIED, THE JUDICIAL DISTRICT IS
14 PRESENTED WITH A JUVENILE WHO IS CHARGED WITH COMMITTING A
15 DELINQUENT ACT WHO SCREENS INTO DETENTION BASED ON THE CURRENT
16 DETENTION SCREENING INSTRUMENT;

17 (B) NO DETENTION BEDS ARE AVAILABLE WITHIN THE JUDICIAL
18 DISTRICT'S CATCHMENT AREA; AND

19 (C) THERE ARE NO AVAILABLE JUVENILE DETENTION BEDS IN ANY
20 FACILITY WITHIN ONE HUNDRED MILES OF THE JUDICIAL DISTRICT'S
21 FACILITY.

22 (II) UPON RECEIPT OF A PETITION TO EXCEED THE NUMBER OF
23 JUVENILE DETENTION BEDS ALLOCATED TO A CATCHMENT AREA FILED
24 PURSUANT TO THIS SUBSECTION (4)(c), A COURT SHALL ISSUE AN ORDER
25 PERMITTING A JUDICIAL DISTRICT TO EXCEED THE NUMBER OF JUVENILE
26 DETENTION BEDS ALLOCATED TO THE CATCHMENT AREA IF THE COURT
27 SPECIFICALLY FINDS THAT THE FOLLOWING CIRCUMSTANCES EXIST:

1 (A) NO DETENTION BEDS ARE AVAILABLE IN THE CATCHMENT
2 AREA;

3 (B) THERE IS A LEGAL BASIS FOR DETAINING EACH JUVENILE WHO
4 IS DETAINED IN THE CATCHMENT AREA, WHICH MAY INCLUDE FOR EACH
5 JUVENILE SCREENED THAT THE DETENTION SCREENING INSTRUMENT DOES
6 NOT SUPPORT RELEASE BECAUSE THE JUVENILE PRESENTS A SUBSTANTIAL
7 RISK OF SERIOUS HARM TO OTHERS OR IS A FLIGHT RISK FROM
8 PROSECUTION;

9 (C) SERVICES ARE NOT AVAILABLE FOR ANY JUVENILE CURRENTLY
10 PLACED IN DETENTION IN THE CATCHMENT AREA THAT WOULD MITIGATE
11 THE SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS PRESENTED BY THE
12 JUVENILE OR THE JUVENILE'S RISK OF FLIGHT FROM PROSECUTION; AND

13 (D) OTHER FORMS OF COMMUNITY-BASED SUPERVISION FOR THE
14 INCOMING JUVENILE SACRIFICE THE PROTECTION OF THE COMMUNITY.

15 (III) ON THE FIFTH BUSINESS DAY FOLLOWING THE ISSUANCE OR
16 RENEWAL OF EACH COURT ORDER ISSUED PURSUANT TO THIS SUBSECTION
17 (4)(c), IF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS
18 SECTION EXIST AND THE JUVENILE FOR WHOM THE TEMPORARY
19 EMERGENCY DETENTION BED IS AVAILABLE REMAINS DETAINED, THE
20 PERSON WHO FILED THE INITIAL PETITION PURSUANT TO SUBSECTION
21 (4)(c)(I) OF THIS SECTION, OR THE PERSON'S DESIGNEE, SHALL INFORM THE
22 COURT THAT THE CIRCUMSTANCES STILL EXIST AND THE JUVENILE
23 REMAINS DETAINED. AT THE TIME OF INFORMING THE COURT, THE PERSON
24 SHALL ALSO PROVIDE THE COURT WITH UPDATED INFORMATION ABOUT
25 THE CIRCUMSTANCES THE COURT IS REQUIRED TO FIND PURSUANT TO
26 SUBSECTION (4)(c)(II) OF THIS SECTION. UPON NOTIFICATION FROM THE
27 PERSON, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER TO

1 RENEW THE ORDER. THE COURT MAY RENEW ITS ORDER FOR AN
2 ADDITIONAL FIVE DAYS IF IT MAKES THE FINDINGS REQUIRED IN
3 SUBSECTION (4)(c)(II) OF THIS SECTION FOR ISSUANCE OF A COURT ORDER.

4 (5) (a) ACCESS TO SERVICES AND TEMPORARY EMERGENCY
5 DETENTION BEDS CREATED OR EXPANDED WITH MONEY APPROPRIATED
6 PURSUANT TO THIS SECTION MUST BE AVAILABLE AND ACCESSIBLE TO
7 YOUTH BEGINNING NO LATER THAN DECEMBER 1, 2023.

8 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JUNE 30, 2024.

9 **SECTION 3.** In Colorado Revised Statutes, 19-2.5-305, **add** (2.5)
10 as follows:

11 **19-2.5-305. Detention and shelter - hearing - time limits -**
12 **findings - review - guardian ad litem appointed - confinement with**
13 **adult offenders - restrictions.** (2.5) THE COURT SHALL IMMEDIATELY
14 APPOINT A GUARDIAN AD LITEM FOR A JUVENILE DETAINED PURSUANT TO
15 THIS ARTICLE 2.5.

16 **SECTION 4.** In Colorado Revised Statutes, 19-2.5-1404, **amend**
17 (1)(b)(VII) and (3)(b) introductory portion; and **add** (3)(d) as follows:

18 **19-2.5-1404. Working group for criteria for placement of]**
19 **juvenile offenders - establishment of formula - review of criteria -**
20 **report.** (1) (b) The working group shall carry out the following duties:

21 (VII) At least ~~every two years, to~~ ANNUALLY review data collected
22 by the division of youth services on the use of funding pursuant to
23 subsection (1)(b)(V) of this section and its impact on the use of juvenile
24 detention. The working group shall identify the measures that it will
25 collect as part of its review of the impact of preadjudicated funding on
26 detention pursuant to this section.

27 (3) (b) On or before July 1, 2023, and on or before July 1 each

1 year thereafter, the department of human services shall submit a report to
2 the working group, the judiciary committees of the senate and the house
3 of representatives, or any successor committees, and the health and
4 human services committee of the senate and the public and behavioral
5 health and human services committee of the house of representatives, or
6 any successor committees. ~~including~~ THE REPORT MUST INCLUDE THE
7 DATA COLLECTED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION FOR
8 THE PRIOR CALENDAR YEAR AND THE FOLLOWING:

9 (d) BEGINNING FOR STATE FISCAL YEAR 2023-24, AND FOR EACH
10 FISCAL YEAR THEREAFTER, THE STATE DEPARTMENT SHALL COLLECT DATA
11 STATEWIDE CONCERNING THE FOLLOWING:

12 (I) THE FOLLOWING INFORMATION ABOUT YOUTH IN EACH
13 DETENTION FACILITY WHO ARE ELIGIBLE FOR RELEASE FROM A DETENTION
14 FACILITY WITHOUT AN ADDITIONAL COURT ORDER IF SERVICES OR A
15 PLACEMENT ARE AVAILABLE FOR THE YOUTH BUT WHO ARE BEING HELD IN
16 DETENTION DUE TO LACK OF AVAILABLE SERVICES OR PLACEMENT:

17 (A) DEMOGRAPHIC INFORMATION OF YOUTH, INCLUDING RACE,
18 ETHNICITY, GENDER, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, AND
19 DISABILITY STATUS, TO THE EXTENT THE INFORMATION IS AVAILABLE; AND

20 (B) THE NUMBER OF YOUTH ELIGIBLE FOR RELEASE WITHOUT AN
21 ADDITIONAL COURT ORDER WHO, AFTER BEING HELD IN DETENTION FOR A
22 PERIOD OF TIME DUE TO A LACK OF AVAILABLE SERVICES OR PLACEMENT,
23 ARE RELEASED FROM DETENTION WITHOUT THE IDENTIFIED SERVICES OR
24 PLACEMENT, AND THE NUMBER OF DAYS BETWEEN THE IDENTIFICATION OF
25 THE NEED FOR SERVICES OR PLACEMENT AND RELEASE, FOR EACH YOUTH;

26 (II) THE NUMBER OF TEMPORARY EMERGENCY DETENTION BEDS,
27 DESCRIBED IN SECTION 19-2.5-1407.3 (4), USED EACH DAY IN EACH

1 CATCHMENT AREA;

2 (III) THE NUMBER OF YOUTH RELEASED FROM DETENTION SOLELY
3 BECAUSE THE NUMBER OF YOUTH DETAINED STATEWIDE EXCEEDED THE
4 STATEWIDE DETENTION BED CAP ESTABLISHED IN SECTION 19-2.5-1514;
5 AND

6 (IV) THE FOLLOWING INFORMATION FROM EACH JUDICIAL
7 DISTRICT, DISAGGREGATED BY JUDICIAL DISTRICT:

8 (A) THE NUMBER OF COURT ORDERS REQUESTED TO RELEASE A
9 YOUTH WHO COULD NOT OTHERWISE BE RELEASED FROM DETENTION AND
10 THE ORDER WAS REQUESTED SOLELY BECAUSE THE NUMBER OF YOUTH
11 DETAINED IN THE JUDICIAL DISTRICT EXCEEDED THE NUMBER OF JUVENILE
12 DETENTION BEDS ALLOCATED BY THE DIVISION OF YOUTH SERVICES TO THE
13 JUDICIAL DISTRICT;

14 (B) THE NUMBER OF YOUTH WHO COULD NOT OTHERWISE BE
15 RELEASED FROM DETENTION WHO WERE RELEASED PURSUANT TO A COURT
16 ORDER TO MAKE A DETENTION BED AVAILABLE IN THE CATCHMENT AREA;
17 AND

18 (C) THE NUMBER OF YOUTH ELIGIBLE FOR RELEASE TO PLACEMENT
19 PURSUANT TO A COURT ORDER BUT WHO ARE IN DETENTION SOLELY
20 BECAUSE THE YOUTH ARE AWAITING PLACEMENT.

21 **SECTION 5. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.