

House Health & Human Services

01/31/2024 01:30 PM

HB24-1038 High-Acuity Crisis for Children & Youth

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Kelly Comcowich</p> <p>For</p> <p>themselves</p>	<p>I am Kelly Comcowich the parent of a child who committed suicide September 11, 2023 due to the lack of adequate care systems for high-acuity youth in Colorado. Overall, I support House bill 24-1038: High-Acuity Crisis Care for Children & Youth. If there had been adequate care, my daughter Julianna might still be alive. I applaud the attempt to begin to fix our very broken system.</p> <p>My daughter was a beautiful musician and artist – but she was also a paranoid schizophrenic. She was denied treatment at all of the Colorado in-state residential treatment facilities starting in 2019. She was eventually “treated” in jail and improved to some degree, but she was then not given adequate treatment upon her release and was instead “placed” at a homeless shelter before returning home. The reasons for her denials were either that there were “no beds available” (which this current bill addresses) or that she was “too severe for our milieu” (which this bill goes part of the way to addressing).</p> <p>“Too severe for our milieu” was code for the fact that my daughter had extreme and complex mental illness which sometimes included violent outbursts and was hard to treat. “Too severe for our milieu” was also code for the fact that, like many mentally ill kids, my daughter was a run-risk and the facility could not take that chance. Colorado apparently only allows short term “crisis centers” to be locked. I suggest this issue of locked facilities be addressed in the current bill directly since this is the REASON some kids are not accepted into care – and it is the reason several residential facilities have closed or become day-treatment only (Tennyson Center for Children, for example).</p> <p>Thank you for your time, and I applaud this attempt to fix our broken system. I would be happy to serve as a resource on this issue.</p>
<p>Ashley Chase</p>	<p>Hello, my name is Ashley Chase and I am a staff attorney and legislative liaison at the Office of the Child’s Representative. OCR is the state agency</p>

Good morning Madam Chair and Members of the Committee,

My name is Evelyn Priola, I am a Bilingual Intake Supervisor in the Family and Children Services Division at Boulder County. In my role, I conduct initial assessments of allegations of child abuse and neglect. I am writing in support of HB1038 Addressing the High-Acuity Crisis for Children and Youth in Need of Residential Care, on behalf of Boulder County.

In my work in helping to find placements that meet the needs of children who have suffered from abuse, I am faced with heartbreaking circumstances of not being able to secure the services a child needs, simply because the services do not exist. When we reach out for placements, many times, all facilities report they do not have capacity. Children and youth in Colorado deserve to have the care they need and face even more challenges and suffering when there is not services to support them.

The kids that need this care have "high acuity behavioral health needs", meaning they need an exceptional level of care and attention. Their needs might be related to their physical, emotional, behavioral, and/or developmental well-being. Children with these needs often have experienced traumatic events such as abuse or extreme neglect. They might exhibit violent behavior, struggle with mental health issues or substance use disorders, have developmental disabilities, or require specialized medical attention.

Many children and youth require in-patient mental health treatment or therapeutic foster care. But because so many of these services are simply not available, more than 80 children across the state were living temporarily in emergency settings such as hospital rooms, offices, or hotels in August of 2023. As a child welfare professional, this is simply not ethical. My colleagues and I do our absolute best to support children, get them the care they need, and we need your help.

HB1038 helps address this crisis. We are grateful to Representatives Young and Bradley and Senators Kirkmeyer and Fileds for their work in drafting this bill as this bill will support children and youth by:

- Developing a state-wide program for treatment foster care
- Increasing rates to treatment providers to expand access for children and youth
- Requiring school districts to provide education if a child is in an out-of-home placement
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As the bill moves forward, we hope that the voices of child welfare staff, along with the voices of people with lived experience are included.

While we know this piece of legislation will not solve everything. We are committed to continuing to work with you and our partners in the room and online today to resolve this crisis.

Boulder County respectfully requests your support of House Bill 1038 and your continued commitment to making sure children and youth get the care they need.



OFFICE OF RESPONDENT PARENTS' COUNSEL

1/31/24

Dear Madam Chair and Members of the House Health and Human Services Committee,

On behalf of the Office of Respondent Parents' Counsel (ORPC), I want to thank each of you for the time you are investing this session in hearing about the bills out of the Child Welfare Interim Committee. The ORPC provides high-quality interdisciplinary legal representation for parents in crisis who have been separated from their children in dependency and neglect cases. I am writing regarding our agency's position on HB 24-1038: High-Acuity Crisis for Children & Youth.

The ORPC shares the alarm, anger, and sadness that many in our community feel over children who are spending time in hospitals, detention centers, caseworker offices, hotels, and cars while they wait for appropriate placements. Parents whose children are stuck in these settings are scared and upset. For example, right before Christmas, the ORPC was contacted by an attorney representing a mother whose young child was about to be sent across the country to another state. Her child had been hospitalized after their foster care placement gave notice and another placement was not available for the child.

When no placements were available for the child were available in Colorado, the county with custody of the young child attempted to send the child across the country, where he knew no one, right before the holidays. The child was having contact with his mother and siblings and there were no safety concerns with the mother, but she did not have sufficient housing for her child to return to her. Rather than address the issues preventing a return home to the mother by assisting her in paying for housing, the Department planned to spend over \$10,000 a month on a high-level placement in another state.

What happened to this family illustrates the need for more placements in Colorado, including higher level placements, particularly for young children who lack facilities that will accept them due to their ages. It is unacceptable that young children are being sent outside of the state, far away from their families, because of a lack of available placements.

And, this story also illustrates the damage caused if our state continues to focus our funding on the highest level placements that cost the most and serve the smallest number of children. This child had both kin and a mother available to help care for him, but no funding streams available to fund what the kin or mother would need to support the child. We should not continue to respond only to placement crises, by funding high level placements, while failing to create funding streams to support children returning or remaining at home or supporting the financial needs of relatives and kin to care for their family members. If we do not fund prevention services, family preservation services, affordable housing, in-home therapeutic supports, and basic financial assistance for caregivers, then we will continue to find ourselves in this crisis needing to pay for the most expensive placements with the worst outcomes for children.

Finally, this crisis speaks to the need to reexamine our system as a whole and explore how we can better keep children with their families whenever safely possible. Each year, CDHS publishes a report on disrupted and

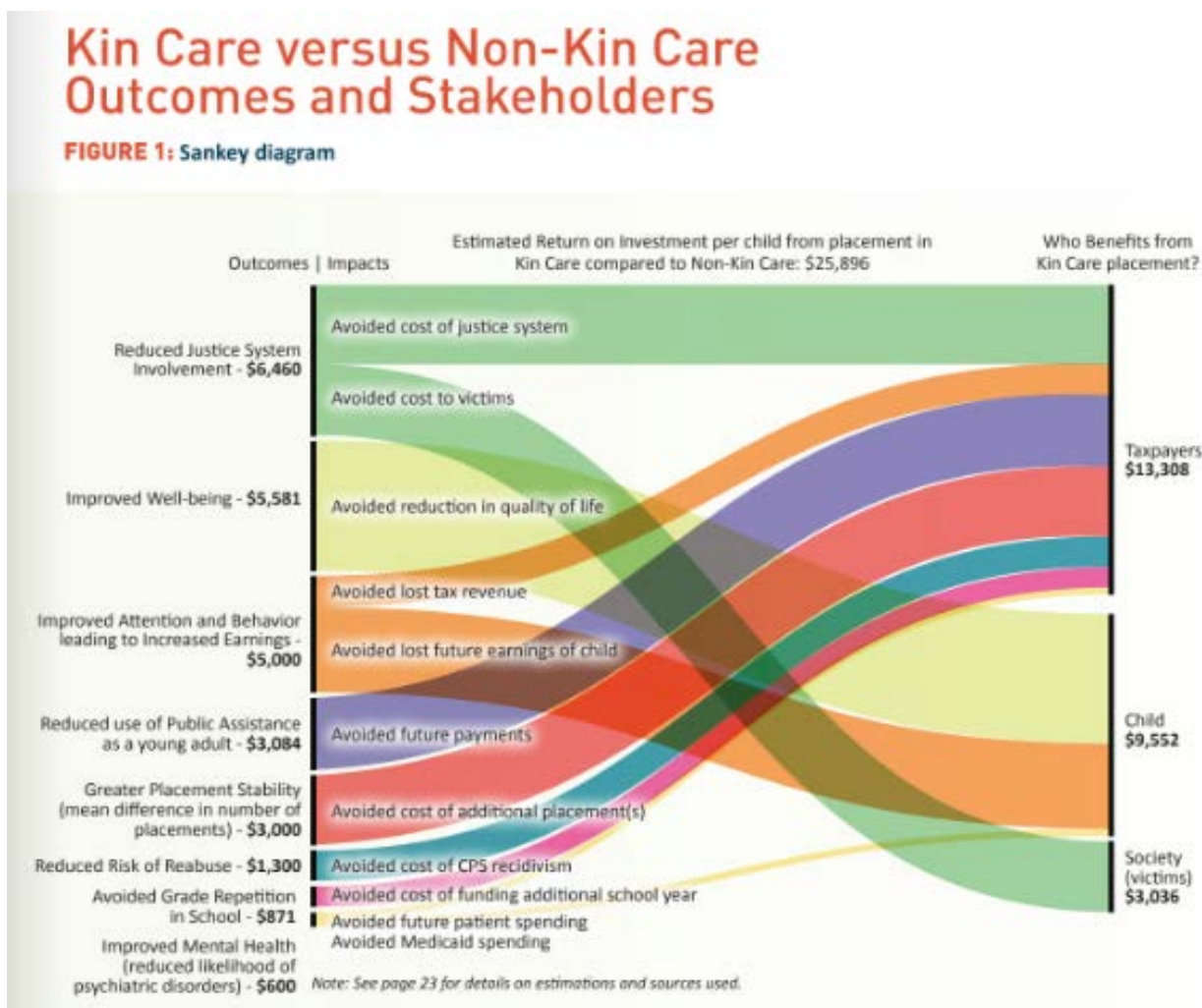
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dissolved adoptions, and a study of that data by the Colorado Sun recently concluded that approximately 13% of all adoptions from foster care end up falling apart.¹ When children experience disrupted or dissolved adoptions, they often end up in the highest level placements.

Comprehensive research reviews continue to conclusively demonstrate that when children can remain home or be placed with kin, the long-term costs to the youth and to society are substantially lessened when compared to children placed in out-of-home care with foster parents or in residential settings. Placing children with relatives and kin results in better long term outcomes for children, and investing in kin placements actually saves money in the long term compared to placement of children in foster care, as shown by this chart from a recent study by [Alia](#):



Bills such as HB 23-1024 and HB 23-1043, as well as SB 24-008 go a long way towards encouraging kinship placement. Other legislative changes reduced reliance on congregate care or residential levels of care because such

¹ Jennifer Brown et al., *Failed twice: Colorado foster kids who are adopted often end up back in the child welfare system*, (Nov. 14, 2022), <https://coloradosun.com/2022/11/14/colorado-failed-adoptions-foster-kids-welfare/>.



OFFICE OF RESPONDENT PARENTS' COUNSEL

settings have very poor outcomes and cost up to ten times more than relative or kinship care.² Continuing to fund these placements at such a high level could defeat the goal of federal legislative changes, which sought to end the need for group and institutional placements, which Casey Family Programs recognized “[a]s a key strategy for reducing disproportionate harm to young people of color in the child welfare system.”³ If Colorado chooses to continue funding these placements at the highest levels, it is crucial that the state also invest heavily in the types of services and supports that can keep children in their homes and with their families.

The ORPC is therefore neutral on this bill currently. Acknowledging that children and families are suffering due to the lack of in-state placements, we hope this bill might help. But, if there is only sufficient funding for this bill and not for the types of supports and services needed to increase children remaining at home or being placed with relatives and kin, we will continue to be stuck in a vicious cycle of spending more and more on the highest level placements with the worst outcomes for children and families. We look forward to our conversations with each of you on these issues and the other complex challenges facing our state as we work towards a system that supports families.

Best regards,

Melanie Jordan
Policy Director, Office of Respondent Parents' Counsel

² Casey Family Programs, *What are the outcomes for youth placed in group and institutional settings?* (June 2022), https://www.casey.org/media/22.07-QFF-SF-Group-placements_fnl-1.pdf.

³ *Id.*

<p>For Office of the Child's Representative</p>	<p>that oversees attorneys across the state who represent children and youth or their best interests in every dependency and neglect case, at the discretion of the Judge in Juvenile Delinquency cases, and in approximately 10 other case types. OCR participated in the Child Welfare Interim Study Committee and was pleased to see this bill come forward for introduction this session. The lack of placement options for children and youth with the highest needs continues to be a frequent frustration raised by contract attorneys in case staffings, on the OCR listserv, and in surveys. Searching the term "placement" in the OCR listserv archive comes up with 1,946 results. It is not uncommon for youth with very high needs to be kept in detention, a hospital setting, or some other temporary situation (like a room at DHS). Often there are available beds in certain facilities, but they will not to accept this particular youth because the youth does not meet the programming requirements. Guardians ad Litem and Counsel for Youth have very little recourse when this happens and it is painful to see a youth in such an untenable situation. There is not one solution to this problem as it will require many solutions across the spectrum of needs and placement issues. This bill is one of those important pieces and OCR hopes you will join us in support of HB24-1038.</p>
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