

## CHAPTER 384

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 22-1375**

BY REPRESENTATIVE(S) Michaelson Jenet, Amabile, Bacon, Bird, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Kennedy, Lindsay, Lontine, McCluskie, McLachlan, Mullica, Ricks, Titone, Valdez A., Woodrow, Young, Sirota; also SENATOR(S) Buckner, Fields, Ginal, Lee, Zenzinger.

**AN ACT**

**CONCERNING MEASURES TO IMPROVE THE OUTCOMES FOR THOSE PLACED IN OUT-OF-HOME PLACEMENT FACILITIES, 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, **add** 19-3.3-111 as follows:

**19-3.3-111. Task force to prevent youth from running from out-of-home placement - creation - membership - duties - report - definitions - repeal.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

(b) "CHILDREN WHO HAVE RUN AWAY" MEANS A CHILD WHO HAS LEFT AND REMAINS AWAY FROM OUT-OF-HOME PLACEMENT WITHOUT THE PERMISSION OF THE CHILD'S PARENT, CAREGIVER, OR LEGAL GUARDIAN.

(c) "INSTITUTION OF HIGHER EDUCATION" MEANS A POSTSECONDARY INSTITUTION THAT ENTERS INTO AN AGREEMENT WITH THE CHILD PROTECTION OMBUDSMAN TO PERFORM RESEARCH AND CONDUCT FOCUS GROUPS.

(d) "OUT-OF-HOME PLACEMENT" MEANS PLACEMENT IN A RESIDENTIAL CHILD CARE FACILITY OR FOSTER CARE HOME, AS EACH IS DEFINED IN SECTION 26-6-102.

(e) "OUT-OF-HOME PLACEMENT PROVIDER" OR "PROVIDER" INCLUDES A LICENSED OUT-OF-HOME PLACEMENT PROVIDER AND A FOSTER PARENT APPROVED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

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*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.*

(f) "TASK FORCE" MEANS THE TIMOTHY MONTOYA TASK FORCE TO PREVENT CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME PLACEMENT ESTABLISHED IN THIS SECTION.

(2)(a) THERE IS CREATED IN THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN THE TIMOTHY MONTOYA TASK FORCE TO PREVENT CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME PLACEMENT. THE TASK FORCE IS ESTABLISHED TO ANALYZE THE ROOT CAUSES OF WHY CHILDREN RUN AWAY FROM OUT-OF-HOME PLACEMENT; DEVELOP A CONSISTENT, PROMPT, AND EFFECTIVE RESPONSE TO RECOVER MISSING CHILDREN; AND ADDRESS THE SAFETY AND WELL-BEING OF A CHILD UPON THE CHILD'S RETURN TO OUT-OF-HOME PLACEMENT.

(b) THE OFFICE SHALL ENTER INTO AN AGREEMENT WITH AN INSTITUTION OF HIGHER EDUCATION WITH EXPERIENCE IN CHILD WELFARE RESEARCH TO PERFORM RESEARCH TO SUPPORT THE TASK FORCE'S WORK AND CONDUCT THE FOCUS GROUPS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(3)(a) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(IV) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(V) THE DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE, OR THE DIRECTOR'S DESIGNEE;

(VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

(VII) THE FOLLOWING MEMBERS, APPOINTED BY THE CHILD PROTECTION OMBUDSMAN:

(A) TWO MEMBERS WHO REPRESENT A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES THAT DELIVERS CHILD WELFARE SERVICES, ONE WHO MUST BE FROM AN URBAN COUNTY AND THE OTHER FROM A RURAL COUNTY;

(B) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT SUPPORTS VICTIMS OF HUMAN TRAFFICKING;

(C) A REPRESENTATIVE FROM A STATEWIDE ASSOCIATION THAT REPRESENTS DIRECTORS OF COUNTY HUMAN OR SOCIAL SERVICES AGENCIES;

(D) TWO FOSTER PARENTS CERTIFIED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES;

(E) TWO KINSHIP PROVIDERS CERTIFIED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES;

(F) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION THAT REPRESENTS CHILD PLACEMENT AGENCIES, AS DEFINED IN SECTION 26-6-102;

(G) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF FAMILY AND CHILDREN'S AGENCIES;

(H) A REPRESENTATIVE OF AN OUT-OF-HOME PLACEMENT PROVIDER THAT SERVES CHILDREN IN THE CHILD WELFARE SYSTEM;

(I) A YOUNG ADULT WHO IS UNDER TWENTY-TWO YEARS OF AGE WHO HAS EXPERIENCED RESIDENTIAL CARE PLACEMENT;

(J) TWO MEMBERS WHO ARE A PARENT OR FAMILY MEMBER OF A CHILD WHO HAS RUN AWAY FROM OUT-OF-HOME PLACEMENT;

(K) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT SERVES CHILDREN OR YOUTH WHO HAVE RUN AWAY FROM OUT-OF-HOME PLACEMENT;

(L) A REPRESENTATIVE OF THE CHIEFS OF POLICE, RECOMMENDED BY THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING THE CHIEFS OF POLICE; AND

(M) TWO REPRESENTATIVES OF POLICE OFFICERS, ONE OF WHOM MUST BE FROM A RURAL JURISDICTION AND ONE OF WHOM MUST BE FROM AN URBAN JURISDICTION, BOTH RECOMMENDED BY THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING POLICE OFFICERS.

(b) (I) IN MAKING APPOINTMENTS PURSUANT TO SUBSECTION (3)(a)(VII) OF THIS SECTION, THE CHILD PROTECTION OMBUDSMAN SHALL SELECT MEMBERS WHO REPRESENT DIVERSE GEOGRAPHIC LOCATIONS, RACE AND ETHNICITY, GENDER, RELIGION, AND SOCIOECONOMIC STATUS.

(II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS ON OR BEFORE SEPTEMBER 1, 2022. THE TERM OF THE APPOINTMENT IS FOR THE DURATION OF THE TASK FORCE. THE APPOINTING AUTHORITY SHALL FILL ANY VACANCY SUBJECT TO THE SAME QUALIFICATIONS AS THE INITIAL APPOINTMENT.

(c) EACH MEMBER OF THE TASK FORCE SERVES WITHOUT COMPENSATION. MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(VII)(D), (3)(a)(VII)(E), (3)(a)(VII)(I), AND (3)(a)(VII)(J) OF THIS SECTION MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED WHILE SERVING ON THE TASK FORCE.

(d) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S DESIGNEE, IS THE CHAIR OF THE TASK FORCE. AT ITS FIRST MEETING, THE TASK FORCE SHALL SELECT A VICE-CHAIR FROM AMONG ITS MEMBERS. THE CHAIR AND THE VICE-CHAIR

SERVE FOR THE DURATION OF THE TASK FORCE.

(4) THE CHILD PROTECTION OMBUDSMAN SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN OCTOBER 1, 2022. THE TASK FORCE SHALL MEET AT LEAST ONCE EVERY TWO MONTHS UNTIL THE TASK FORCE SUBMITS ITS FINAL REPORT DESCRIBED IN SUBSECTION (7)(b) OF THIS SECTION, AND ADDITIONALLY AT THE CALL OF THE CHAIR AS NECESSARY TO COMPLETE ITS DUTIES. THE TASK FORCE MAY MEET ELECTRONICALLY. THE OFFICE SHALL PROVIDE STAFF SUPPORT NECESSARY FOR THE ADVISORY GROUP TO CARRY OUT ITS DUTIES. AT THE REQUEST OF THE TASK FORCE, THE INSTITUTION OF HIGHER EDUCATION SHALL PERFORM RESEARCH TO SUPPORT THE TASK FORCE'S WORK.

(5) THE TASK FORCE SHALL:

(a) ANALYZE THE SUFFICIENCY OF STATEWIDE DATA THAT MEASURES THE QUANTITATIVE AND QUALITATIVE EXPERIENCES OF CHILDREN WHO HAVE RUN AWAY FROM OUT-OF-HOME PLACEMENT;

(b) ANALYZE THE ROOT CAUSES OF WHY CHILDREN RUN AWAY FROM OUT-OF-HOME PLACEMENT;

(c) IDENTIFY AND ANALYZE BEHAVIORS THAT CONSTITUTE RUNNING AWAY FROM OUT-OF-HOME PLACEMENT, ANALYZE DIFFERENCES BETWEEN RUNAWAY BEHAVIOR AND AGE-APPROPRIATE BEHAVIORS OUTSIDE OF THE HOME OR OUT-OF-HOME PLACEMENT, AND IDENTIFY BEHAVIORS THAT SHOULD LEAD TO A PERSON OR FACILITY FILING A MISSING PERSON REPORT ABOUT A CHILD;

(d) ANALYZE THE RELATIONSHIP BETWEEN CHILDREN WHO HAVE RUN AWAY FROM OUT-OF-HOME PLACEMENT AND THE LIKELIHOOD THAT THE CHILD WILL BECOME A VICTIM OF CRIME;

(e) ANALYZE THE COMPREHENSIVENESS AND EFFECTIVENESS OF EXISTING STATE LAWS AND REGULATIONS, AND PLACEMENT FACILITY PROTOCOLS, TO RESPOND TO A CHILD'S THREAT TO RUN AWAY FROM OUT-OF-HOME PLACEMENT AND FOR PROMPTLY REPORTING, LOCATING, EVALUATING, AND TREATING CHILDREN WHO HAVE RUN AWAY;

(f) ANALYZE BEST PRACTICES STATEWIDE AND NATIONALLY FOR PREVENTING AND ADDRESSING RUNAWAY BEHAVIOR, INCLUDING IDENTIFYING METHODS TO DETER CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME PLACEMENT;

(g) ANALYZE HOW ENTITIES RESPONSIBLE FOR THE CARE OF CHILDREN WHO RUN AWAY FROM OUT-OF-HOME PLACEMENT CAN COORDINATE A THOROUGH AND CONSISTENT RESPONSE TO RUNAWAY BEHAVIORS;

(h) IDENTIFY RESOURCES NECESSARY TO IMPROVE OR FACILITATE COMMUNICATION AND COORDINATED EFFORTS RELATED TO CHILDREN WHO RUN AWAY FROM OUT-OF-HOME PLACEMENT AMONG OUT-OF-HOME PLACEMENT FACILITIES, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, AND LAW ENFORCEMENT AGENCIES; AND

(i) AT ITS DISCRETION, DEVELOP RECOMMENDATIONS TO REDUCE THE NUMBER OF CHILDREN WHO RUN AWAY FROM OUT-OF-HOME PLACEMENT AND INCLUDE THE RECOMMENDATIONS IN ITS REPORTS DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

(6) (a) THE INSTITUTION OF HIGHER EDUCATION SHALL CONDUCT FOCUS GROUPS WITH CHILDREN IN OUT-OF-HOME PLACEMENT AND YOUNG ADULTS UNDER TWENTY-TWO YEARS OF AGE WHO HAVE AGED OUT OF THE CHILD PROTECTION SYSTEM TO ASSIST THE TASK FORCE IN FULFILLING ITS DUTIES. THE INSTITUTION SHALL CONDUCT FOCUS GROUPS WITH OUT-OF-HOME PLACEMENT PROVIDERS TO DETERMINE WHAT CONDITIONS LEAD CHILDREN TO RUN AWAY FROM OUT-OF-HOME PLACEMENT, THE PROVIDER'S EFFORTS TO LOCATE CHILDREN WHO HAVE RUN AWAY, AND THE SERVICES PROVIDED TO A RUNAWAY CHILD UPON THE CHILD'S RETURN.

(b) THE INSTITUTION OF HIGHER EDUCATION SHALL ASK EACH FOCUS GROUP TO CONSIDER:

(I) THE REASONS WHY CHILDREN RUN AWAY FROM OUT-OF-HOME PLACEMENT;

(II) OPPORTUNITIES AND RESOURCES THAT COULD PREVENT CHILDREN FROM RUNNING AWAY FROM OUT-OF-HOME PLACEMENT; AND

(III) RESOURCES THAT CHILDREN NEED TO ENSURE THEIR SAFETY AND WELL-BEING AFTER THEY RETURN TO OUT-OF-HOME PLACEMENT.

(c) THE OFFICE SHALL REIMBURSE EACH FOCUS GROUP PARTICIPANT WHO IS A CHILD OR YOUTH FOR THE PARTICIPANT'S REASONABLE EXPENSES INCURRED FOR PARTICIPATING IN A FOCUS GROUP.

(d) THE INSTITUTION OF HIGHER EDUCATION SHALL MAKE INFORMATION LEARNED FROM THE FOCUS GROUPS PUBLICLY AVAILABLE AND SHALL SUBMIT ITS FINDINGS TO THE TASK FORCE ON OR BEFORE APRIL 1, 2023. PERSONALLY IDENTIFIABLE INFORMATION ABOUT THE PERSONS WHO PARTICIPATED IN A FOCUS GROUP IS CONFIDENTIAL AND THE INSTITUTION SHALL NOT MAKE PUBLIC ANY PERSONALLY IDENTIFIABLE INFORMATION.

(7) (a) ON OR BEFORE OCTOBER 1, 2023, THE TASK FORCE SHALL SUBMIT A FIRST-YEAR STATUS REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE FIRST-YEAR STATUS REPORT MUST INCLUDE A SUMMARY OF THE TASK FORCE'S WORK AND THE TASK FORCE'S INITIAL FINDINGS AND RECOMMENDATIONS, IF AVAILABLE.

(b) ON OR BEFORE OCTOBER 1, 2024, THE TASK FORCE SHALL SUBMIT A FINAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THAT INCLUDES A SUMMARY OF THE TASK FORCE'S WORK AND THE TASK FORCE'S RECOMMENDATIONS, IF APPLICABLE.

(8) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

**SECTION 2. Appropriation.** For the 2022-23 state fiscal year, \$99,500 is appropriated to the judicial department for use by the office of the child protection ombudsman. This appropriation is from the general fund. To implement this act, the office may use this appropriation for program costs.

**SECTION 3. 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