

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

PREAMENDED

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

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
Appropriations

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 ARE DETAINED OR CAN BE
9 PLACED IN LIEU OF 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 NO LATER THAN THE NEXT BUSINESS DAY AFTER THE JUVENILE IS
9 DETAINED TO EXCEED THE NUMBER OF JUVENILE DETENTION BEDS
10 ALLOCATED TO A JUDICIAL DISTRICT PURSUANT TO SECTION 19-2.5-1405
11 FOR THE PERIOD OF TIME BEFORE THE DETENTION HEARING FOR THE
12 JUVENILE WHO WOULD UTILIZE THE REQUESTED TEMPORARY EMERGENCY
13 DETENTION BED, IF:

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

20 (B) EACH BED LOANED BY THE JUDICIAL DISTRICT TO ANOTHER
21 JUDICIAL DISTRICT, AS DESCRIBED IN SECTION 19-2.5-1405 (1)(b), HAS
22 BEEN RELINQUISHED TO THE LOANING JUDICIAL DISTRICT;

23 (C) NO DETENTION BEDS ARE AVAILABLE WITHIN THE JUDICIAL
24 DISTRICT'S CATCHMENT AREA; AND

25 (D) THERE ARE NO AVAILABLE JUVENILE DETENTION BEDS IN ANY
26 FACILITY WITHIN ONE HUNDRED MILES OF THE JUDICIAL DISTRICT'S
27 FACILITY.

1 (II) UPON RECEIPT OF A PETITION TO EXCEED THE NUMBER OF
2 JUVENILE DETENTION BEDS ALLOCATED TO A JUDICIAL DISTRICT FILED
3 PURSUANT TO THIS SUBSECTION (4)(c), A COURT SHALL ISSUE AN ORDER
4 PERMITTING A JUDICIAL DISTRICT TO EXCEED THE NUMBER OF JUVENILE
5 DETENTION BEDS ALLOCATED TO THE CATCHMENT AREA UP TO THE
6 NUMBER OF TEMPORARY EMERGENCY DETENTION BEDS ALLOCATED TO
7 THE CATCHMENT AREA BY THE DEPARTMENT IF THE COURT SPECIFICALLY
8 FINDS THAT THE FOLLOWING CIRCUMSTANCES EXIST:

9 (A) NO DETENTION BEDS ARE AVAILABLE IN THE CATCHMENT
10 AREA;

11 (B) THERE IS A LEGAL BASIS FOR DETAINING EACH JUVENILE WHO
12 IS DETAINED IN THE JUDICIAL DISTRICT, WHICH MAY INCLUDE FOR EACH
13 JUVENILE SCREENED THAT THE DETENTION SCREENING INSTRUMENT DOES
14 NOT SUPPORT RELEASE BECAUSE THE JUVENILE PRESENTS A SUBSTANTIAL
15 RISK OF SERIOUS HARM TO OTHERS OR IS A FLIGHT RISK FROM
16 PROSECUTION;

17 (C) SERVICES ARE NOT AVAILABLE FOR ANY JUVENILE CURRENTLY
18 PLACED IN DETENTION IN THE JUDICIAL DISTRICT THAT WOULD MITIGATE
19 THE SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS PRESENTED BY THE
20 JUVENILE OR THE JUVENILE'S RISK OF FLIGHT FROM PROSECUTION; AND

21 (D) OTHER FORMS OF COMMUNITY-BASED SUPERVISION FOR THE
22 INCOMING JUVENILE ARE NOT SUFFICIENT TO MITIGATE THE SUBSTANTIAL
23 RISK OF SERIOUS HARM TO OTHERS PRESENTED BY THE JUVENILE OR THE
24 JUVENILE'S RISK OF FLIGHT FROM PROSECUTION.

25 (III) IF A DETENTION BED WITHIN THE JUDICIAL DISTRICT'S
26 ALLOCATION THAT IS UNDER THE STATEWIDE DETENTION BED CAP
27 BECOMES AVAILABLE, THE JUVENILE UTILIZING A TEMPORARY EMERGENCY

1 DETENTION BED SHALL REVERT TO THE NONEMERGENCY DETENTION BED
2 AND THE REQUIREMENTS IN THIS SUBSECTION (4) NO LONGER APPLY. IF A
3 DETENTION BED BECOMES AVAILABLE WITHIN THE JUDICIAL DISTRICT'S
4 CATCHMENT AREA BUT AT A DIFFERENT FACILITY, THE JUVENILE MAY, AT
5 THE DISCRETION OF THE JUDICIAL DISTRICT, REMAIN IN THE TEMPORARY
6 EMERGENCY DETENTION BED IN LIEU OF TRANSFERRING TO THE
7 NONEMERGENCY DETENTION BED IN A DIFFERENT FACILITY.

8 (IV) ON THE FIFTH BUSINESS DAY FOLLOWING THE ISSUANCE OR
9 RENEWAL OF EACH COURT ORDER ISSUED PURSUANT TO THIS SUBSECTION
10 (4)(c), IF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS
11 SECTION EXIST AND THE JUVENILE REMAINS DETAINED IN THE TEMPORARY
12 EMERGENCY DETENTION BED, THE PERSON WHO FILED THE INITIAL
13 PETITION PURSUANT TO SUBSECTION (4)(c)(I) OF THIS SECTION, OR THE
14 PERSON'S DESIGNEE, SHALL INFORM THE COURT THAT THE CIRCUMSTANCES
15 STILL EXIST AND THE JUVENILE REMAINS DETAINED IN THE TEMPORARY
16 EMERGENCY DETENTION BED. AT THE TIME OF INFORMING THE COURT, THE
17 PERSON SHALL ALSO PROVIDE THE COURT WITH UPDATED INFORMATION
18 ABOUT THE CIRCUMSTANCES THE COURT IS REQUIRED TO FIND PURSUANT
19 TO SUBSECTION (4)(c)(II) OF THIS SECTION. UPON NOTIFICATION FROM THE
20 PERSON, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER TO
21 RENEW THE ORDER. THE COURT MAY RENEW ITS ORDER FOR AN
22 ADDITIONAL FIVE DAYS IF IT MAKES THE FINDINGS REQUIRED IN
23 SUBSECTION (4)(c)(II) OF THIS SECTION FOR ISSUANCE OF A COURT ORDER.

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

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

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

4 19-2.5-305. Detention and shelter - hearing - time limits -
5 findings - review - guardian ad litem appointed - confinement with
6 adult offenders - restrictions. (2.5) THE COURT SHALL, AT THE
7 JUVENILE'S DETENTION HEARING, APPOINT A GUARDIAN AD LITEM FOR A
8 JUVENILE DETAINED PURSUANT TO THIS ARTICLE 2.5. AN APPOINTMENT
9 MADE PURSUANT TO THIS SUBSECTION (2.5) TERMINATES UPON THE
10 RELEASE OF THE JUVENILE FROM DETENTION UNLESS THE COURT ALSO
11 FINDS A BASIS FOR THE APPOINTMENT PURSUANT TO SECTION 19-1-111
12 (2)(a).

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

15 19-2.5-1404. Working group for criteria for placement of
16 juvenile offenders - establishment of formula - review of criteria -
17 report. (1) (b) The working group shall carry out the following duties:

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

24 (3) (b) On or before July 1, 2023, and on or before July 1 each
25 year thereafter, the department of human services shall submit a report to
26 the working group, the judiciary committees of the senate and the house
27 of representatives, or any successor committees, and the health and

1 human services committee of the senate and the public and behavioral
2 health and human services committee of the house of representatives, or
3 any successor committees. ~~including~~ THE REPORT MUST INCLUDE THE
4 DATA COLLECTED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION FOR
5 THE PRIOR CALENDAR YEAR AND THE FOLLOWING:

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

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

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

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

23 (II) THE NUMBER OF TEMPORARY EMERGENCY DETENTION BEDS,
24 DESCRIBED IN SECTION 19-2.5-1407.3 (4), USED EACH DAY IN EACH
25 CATCHMENT AREA;

26 (III) THE NUMBER OF YOUTH RELEASED FROM DETENTION SOLELY
27 BECAUSE THE NUMBER OF YOUTH DETAINED STATEWIDE EXCEEDED THE

1 STATEWIDE DETENTION BED CAP ESTABLISHED IN SECTION 19-2.5-1514;

2 AND

3 (IV) THE FOLLOWING INFORMATION FROM EACH JUDICIAL
4 DISTRICT, DISAGGREGATED BY JUDICIAL DISTRICT:

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

11 (B) THE NUMBER OF YOUTH WHO COULD NOT OTHERWISE BE
12 RELEASED FROM DETENTION WHO WERE RELEASED PURSUANT TO A COURT
13 ORDER TO MAKE A DETENTION BED AVAILABLE IN THE CATCHMENT AREA;

14 AND

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

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