

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-151

BY SENATOR(S) Michaelson Jenet, Amabile, Ball, Bridges, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Mullica, Rodriguez, Snyder, Weissman, Winter F., Coleman;
also REPRESENTATIVE(S) Froelich and Gilchrist, Bird, Boesenecker, Brown, Camacho, Espenoza, Hamrick, Lieder, Lindsay, McCormick, Sirota, Stewart K., McCluskie.

CONCERNING MEASURES TO PREVENT YOUTH FROM RUNNING AWAY FROM
OUT-OF-HOME PLACEMENTS, AND, IN CONNECTION THEREWITH,
PREVENTING CHILDREN OR YOUTH FROM RUNNING AWAY FROM
RESIDENTIAL CHILD CARE FACILITIES.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado provides out-of-home care to some of Colorado's most vulnerable youth, including children or youth who are placed in out-of-home placements for their behavioral health needs;

(b) Children or youth run away from out-of-home placements each

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.

year, but Colorado does not have:

(I) A standardized statewide system in place to prevent children or youth from running away;

(II) Protocols to actively locate children or youth while they are gone; or

(III) A standard process to provide consistent care for children or youth when they return to out-of-home placements;

(c) In June 2020, 12-year-old Timothy Montoya ran away from a residential child care facility. While he was away from the residential child care facility, he was hit by a car and killed.

(d) In response to Timothy Montoya's death, the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-Home Placements was formed to analyze the root causes of why children or youth run away from out-of-home placements and to issue recommendations to help improve the system designated to care for children or youth;

(e) The Task Force found that there is no cohesive statewide system in place to address the needs of the children or youth who run away from out-of-home placements;

(f) To address this problem, the Task Force issued a series of recommendations to develop an appropriate continuum of care for children or youth, beginning when they are admitted into an out-of-home placement and ending after they return to the out-of-home placement after running away; and

(g) The Task Force's recommendations to develop an appropriate continuum of care focus on the following areas:

(I) Preventing children or youth from running away from out-of-home placements;

(II) Responding when children or youth run away from out-of-home placements; and

(III) Ensuring that children or youth who run away receive appropriate medical and mental evaluations and care when they return to the out-of-home placements.

(2) (a) The general assembly finds, therefore, that the first step in the foundation of a continuum of care for children or youth who run away from out-of-home placements is to implement the Task Force's recommendation regarding efforts to prevent children or youth from running away, beginning with a focus on residential child care facilities and later expanding efforts to other out-of-home placements.

(b) The general assembly further declares that an appropriate continuum of care must be implemented in whole to effectively serve children or youth.

SECTION 2. In Colorado Revised Statutes, **add** 19-3.3-112 as follows:

19-3.3-112. Systems and tools to prevent children or youth from running away - residential child care facility - report - definitions.

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

(a) "CHILD OR YOUTH WHO HAS RUN AWAY" MEANS A CHILD OR YOUTH WHO HAS LEFT AND REMAINS AWAY FROM A RESIDENTIAL CHILD CARE FACILITY WITHOUT PERMISSION.

(b) "RESIDENTIAL CHILD CARE FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 26-6-903.

(2) (a) THE OFFICE SHALL CONDUCT A STATEWIDE INVENTORY SURVEY OF THE PHYSICAL INFRASTRUCTURE OF RESIDENTIAL CHILD CARE FACILITIES TO ADDRESS, AT A MINIMUM:

(I) THE PHYSICAL INFRASTRUCTURE CURRENTLY IN PLACE TO DETER CHILDREN AND YOUTH FROM RUNNING AWAY; AND

(II) THE PHYSICAL INFRASTRUCTURE NEEDED TO DETER CHILDREN AND YOUTH FROM RUNNING AWAY.

(b) THE OFFICE SHALL CONSULT WITH THE STATE DEPARTMENT TO

DEVELOP THE INVENTORY SURVEY. PHYSICAL INFRASTRUCTURE NEEDS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE USE OF DELAYED EGRESS LOCKS, ALARMS, FENCING, SIGNS, AND LIGHTING.

(3) ON OR BEFORE JULY 1, 2026, THE OFFICE SHALL SUBMIT A REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, THAT SUMMARIZES THE RESULTS OF THE PHYSICAL INFRASTRUCTURE SURVEY OF RESIDENTIAL CHILD CARE FACILITIES CONDUCTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, **add** 26-6-924 as follows:

26-6-924. Residential child care facility - notice - policy - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILD" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

(b) "YOUTH" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

(2) (a) ON OR BEFORE JULY 1, 2026, EACH RESIDENTIAL CHILD CARE FACILITY IN THE STATE SHALL DEVELOP AN EFFICIENT, WELL-STRUCTURED, AND TRAUMA-INFORMED POLICY THAT OUTLINES HOW THE RESIDENTIAL CHILD CARE FACILITY RESPONDS TO A CHILD OR YOUTH WHO THREATENS OR ATTEMPTS TO RUN AWAY FROM CARE. THE POLICY MUST INCLUDE WHETHER THE RESIDENTIAL CHILD CARE FACILITY USES PHYSICAL RESTRAINTS. THE POLICY MUST INCLUDE ANY OTHER INFORMATION THE STATE DEPARTMENT ADOPTS BY RULE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

(b) EACH RESIDENTIAL CHILD CARE FACILITY SHALL PROVIDE A COPY OF THE POLICY TO THE CHILD OR YOUTH AND THE CHILD'S OR YOUTH'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN DURING THE CHILD'S OR YOUTH'S INTAKE AT THE RESIDENTIAL CHILD CARE FACILITY.

(c) THE STATE DEPARTMENT SHALL ADOPT RULES REGARDING ADDITIONAL INFORMATION FOR THE POLICY DESCRIBED IN SUBSECTION (2)(a)

OF THIS SECTION. IN DEVELOPING THE RULES, THE STATE DEPARTMENT SHALL CONSULT:

(I) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;

(II) A DIRECTOR OF A RESIDENTIAL CHILD CARE FACILITY;

(III) A PARENT OR FAMILY MEMBER OF A CHILD OR YOUTH WHO HAS RUN AWAY FROM A RESIDENTIAL CHILD CARE FACILITY;

(IV) A YOUNG ADULT WHO RESIDED AT A RESIDENTIAL CHILD CARE FACILITY WITHIN THE LAST SEVEN YEARS; AND

(V) COUNTY DEPARTMENTS.

(3) WHEN A RESIDENTIAL CHILD CARE FACILITY DISCOVERS THAT A CHILD OR YOUTH IS MISSING FROM ITS CARE, THE RESIDENTIAL CHILD CARE FACILITY SHALL NOTIFY THE CHILD'S OR YOUTH'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN AND GUARDIAN AD LITEM OR COUNSEL FOR YOUTH WITHIN FOUR HOURS AFTER THE DISCOVERY OF THE MISSING CHILD OR YOUTH. IF THE RESIDENTIAL CHILD CARE FACILITY CANNOT MAKE INITIAL CONTACT WITH THE CHILD'S OR YOUTH'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN, THE RESIDENTIAL CHILD CARE FACILITY MUST MAKE REPEATED EFFORTS TO NOTIFY THE CHILD'S OR YOUTH'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO