



The Timothy Montoya Task Force To Prevent Children From Running Away From Out-Of-Home Placement

August 6th, 2024, 1:00 pm-3:00 pm Virtual Meeting (Zoom)
Facilitators: Keystone Policy Center (Trace Faust)
Members: See Appendix A

<p>Welcome & Approval of Minutes</p>	<ul style="list-style-type: none"> Task Force Chair Stephanie Villafuerte welcomed the task force. She then turned to approval of the previous meetings' materials. She started with the intervention subcommittee materials from June 12th. She asked for corrections; there were none. Beth McNalley motioned; Norma Aguilar Dave seconded. There was no opposition. The materials were approved. Stephanie turned to the prevention subcommittee materials from June 12th. She asked for corrections; there were none. Lynette Overmeyer motioned; Jenna Coleman seconded. There was no opposition. The materials were approved. Next, Stephanie turned to the minutes from July 31st. She asked for corrections; there were none. Ashley Chase motioned; Beth seconded. There was no opposition. The minutes were approved. Finally, Stephanie turned to the recap from July 31st. She asked for corrections; there were none. Ashley motioned; Elizabeth Montoya seconded. The recap was approved.
<p>Procedure</p>	<ul style="list-style-type: none"> Trace Faust welcomed the task force. They explained that today's meeting will continue the conversation about the draft recommendations. They continued that there will be a survey with the revised recommendations for task force members to vote on. The September meeting will review the voting results. They explained that those who were unable to attend the July 31st meeting for the conversation on draft recommendations 1 through 4 still can provide feedback via the survey. They also explained that if a member wants to abstain from voting, they must provide a letter explaining their abstention on their entity's letterhead (if applicable) as well as their role on the task force; the letters will be included as an addendum in the final report. They said that the final recommendations will include all revisions; if a member decides to vote 'no' on a recommendation; they are encouraged to include an explanation that will also be included in the final report. Dr. Renne Marquardt asked more about the letter explaining an abstention. Trace explained more about the letter. Renne asked why the letter is required. Trace said that Keystone requires a letter across different task forces to explain why members abstain. Jordan Steffen continued that the vote is recorded by position; if a member abstains, then the letter will be included in full and the abstention is clearly explained. Renee thanked them. David Lee asked about the voting process. Trace said that the voting is happening via survey; the September meeting is to review the voting results. They explained that the voting via survey is to provide opportunities for members to comment on the recommendations as well as vote on their own time. David asked about timelines. Trace said that the deadline for voting is August 29th so they will have a week prior to the deadline to vote. They also explained that the surveys are to provide ample opportunity for members to include their feedback and to ensure that the edits are captured well.



	<ul style="list-style-type: none"> • Ashley asked about timelines for members who have to vet recommendations with a team. Jordan provided the timeline; she acknowledged the tight turn but ensured that the recommendations will be similar to previous conversations. • Trace thanked everyone and said that they will provide this information in an email. They asked for any other questions; there were none.
Discussion	<ul style="list-style-type: none"> • Trace recapped the agenda for the meeting. They explained that there will be time to review the draft recommendations as well as time for discussion. Jordan continued that the recommendations are a reflection of all of the materials from the discussions over the course of the task force. She highlighted systems and processes as a common theme; this is reflected in the recommendations. She asked for questions; there were none. • Jordan provided context around draft recommendation 5. Trace provided time for task force members to review the draft recommendation. • Trace brought the task force back and asked for comments and questions. • Dennis Deaparrois said that the language makes it seem like a requirement to intervene; there are policies in CAFCA that do not allow restraints in some facilities. Jordan said that is not the intent; she said that restraints can be used but it was not intended to create a requirement to use restraints. Becky Miller Updike said that some facilities do not restrain so the wording should describe that it is not a requirement. She asked if Brandon Miller weighed in. Jordan said that Brandon reviewed it. She also said that she is open to suggestions. Dennis said that they could include language that 'nothing about the recommendation requires a facility to restrain a child'. Trace thanked him. • Renee asked if this would apply to particular facility types. Jordan said that this level of detail was not included; it was focused on residential care. • Dennis said that the wording would apply to any situation including hospitals and for adults. Renee agreed and said that would change the landscape drastically. Jordan thanked them. • Ashley said that she is not sure the purpose of the recommendation; it seems more discretionary rather than concrete. She said she will try to work on a recommended solution. Jordan thanked her and said that it was intended to answer the question about providers' ability to prevent harm. Trace thanked them. • Kelly Abbott asked what types of placements can use restraints; there are federal laws around children in a locked space when in detention which includes a reporting component. She wants these aspects to be clear in the recommendation if it was intended to include detention facilities. Trace thanked her. • Kevin Lash said that the language could be that 'a facility could act within their capabilities and licenses'; this would offer a board statement to recognize the differentiation factors. Trace thanked him. • Elizabeth said that she understands offering facilities more discretion on when to act; she is wondering if this only applies to children who meet a certain criteria. Jordan said that it was intended to use the risk criteria and the prescreening tool to help determine risk level. Elizabeth said that this should be clear. Jordan thanked her.



- Lynette suggested to specify the recommendation to specific types of treatment rather than a hospital, group home, or a foster home. Trace said that there could be clarification on when the recommendation applies. Lynette agreed. Trace thanked her.
- Ashley said that one of the issues with the language is that it implies that the only action to take is physical restraint; the recommendation should not be considered in a silo as to not make that implication. Trace thanked her. Jordan agreed; the final report will include every topic and she asked for any language to address this.
- Renee said that the recommendation would be very difficult if it included every situation; she asked about alternatives to address that the recommendation is not directed at the entire statute. Trace thanked her. Jordan asked for language for redrafting. Trace thanked her and asked for feedback.
- Dennis said that he is not in support of broadening restraints; they are harmful and he doesn't wish to see them expanded. Stephanie said that, regardless of placement in statute, there was a conversation about facilities having a duty to act on keeping a child safe. She continued that there was a 'folklore' around facilities not being allowed to restrain children at all. She suggested discussing 'duty to intervene' since this was the issue; facilities have a responsibility to keep children safe in their facilities. Trace agreed and asked for comments.
- Ashley said that the recommendations can include a continuum of intervention that exists in statute; there can be a sentence requiring a duty to intervene attached to the menu of services that constitute an action. Trace thanked her.
- Dennis said that a duty to intervene even with a disclaimer can open up more risk to facilities to civil litigation. Trace asked if the continuum of response mitigates this concern. Dennis said that his concern is that the facility intervened in a certain way. He also said that his other concern is this prompting staff to go right to restraints which is something he is not in support of. Trace thanked him.
- Lynette suggested 'a duty to intervene using a continuum of action up to restraint and seclusion as provided by a facilities licensing and credentials if a child poses a risk to themselves or others'. She said that restraints are not the first option and facilities do not want to use them; there can be a way to address facilities that use restraints too often. Trace thanked her.
- Elizabeth suggested parents sign waivers when a child is placed in a facility that uses restraints. Dennis said that providers and the state review all uses of restraints. Elizabeth recapped Dennis's comments. Dennis said that restraints are harmful. Elizabeth said that he is not supporting any language that uses restraints. Dennis said that he is concerned about a duty to intervene but he is not in support of language for facilities to broaden the use of restraints. Elizabeth said that the language clearly defines what imminent danger is; the recommendation should protect providers if they decide to use restraints. Trace thanked them and asked for last comments about draft recommendation 5.
- Stephanie said that she heard the task force say that there should not be practices that increase the use of restraints and that facilities have a duty to



intervene that is linked to the circumstances and criteria in the recommendation regarding risk assessments. She suggested moving this recommendation language to the risk criteria and corresponding protocol responses. She noted affirmative head nods from the task force; the language will not be omitted but it belongs in a different place with a different context.

- Dennis said that statute prohibits providers putting into a treatment plan situations in which a restraint is used. Stephanie said that she understands. She said that the risk assessment would have an associated appropriate response; it is not a pre-treatment survey but guidance on how to prioritize runaways. Dennis said that he is unsure what this looks like in practice. Stephanie said that this can be a future conversation; her focus is the 'duty to intervene' language location. Trace moved the task force to draft recommendation 6.
- Jordan provided context for draft recommendation 6. Trace provided time for the task force to review.
- Trace brought the task force back and asked for comments.
- Ashley asked about the intent of the study. She suggested adding a different phrase to imply that the study is to know what is needed and then to fund those needs Trace thanked her.
- Renee said that 6b is repeating what is a part of an assessment already; she wants to avoid duplicating efforts. Jordan asked if this specific assessment is required or done informally. Renee said that there is no specific language around the infrastructure of a facility; it is one of the things that is taken into consideration. She said that this is a part of clinical thinking so the recommendation is duplicative. Jordan asked if the language captures the conversation. Renee said that she is not sure if everyone understood what goes into a clinical assessment; she questions why calling out one aspect of the assessment as a requirement since it can make assessments more complicated. Trace thanked her and said that there can be further clarification on this.
- Kelly said that by changing the physical structure of a building, like a secure fence or a secure building, induces federal laws for justice involved youth; it can also create facilities with offender youth and non-offender youth which goes against regulations. Trace thanked her and said that this is a priority; they highlighted Ashley's electronic chat about the difference between fences and secured perimeters. Renee asked about justice involving youth. Kelly said that if the placement is a result of their delinquency case, then they are placed there as an offender. She said that there would need to be a conversation about placements that can have a secure perimeter and which cannot as well as where non-offender children can go. She finally said that the federal regulations require reporting and different considerations. Trace thanked her and suggested adding a caveat that Kelly can inform the language on.
- Lynette said that fencing would not be locked but it can minimize places where children can run. She suggested a vinyl fence that children cannot climb with a delayed gate that has a camera so staff can prevent a run. She also suggested doing the assessment for children that have a high risk to run away rather than on every child or every facility. Trace thanked her.



	<ul style="list-style-type: none"> Elizabeth asked who is doing the clinical assessments since she did not experience it. She brought up waiting for an open bed and how many families cannot pick a facility. Renee said that there is a lot of waiting for an open bed, she suggested calling out this specific consideration. She suggested that there is a capacity issue for appropriate placements. Elizabeth said that, in her situation, there were no options; Timmy’s risk factors were running and self-harm but the facility that had an open bed did not address these concerns. Renee said that the problem is that there is not a plethora of matches rather than these aspects are not considered. Trace thanked them. Stephanie asked about pre-admission paperwork when a youth enters a facility; they are different from each facility so the goal would be to create a standard admission process. Renee said that there is a move to standardization. Stephanie asked for thoughts. Dennis said that Stephanie’s assessment is correct and Renee said that there are efforts to standardize the process. Stephanie thanked them. Trace asked for comments. Lynette said that the lack of placement availability means that caseworkers know that if they report a child’s run, then the child is less likely to be placed; the focus should be on supporting providers for a continuum of treatment and engaging the caseworkers on an assessment when a child ran like their triggers, how they were recovered and other aspects of the run. She said that this is the information not being shared right now. Trace thanked her and asked for more comments. Trace asked the task force for any comments about specific components in recommendation 5 that were not already discussed; they asked as to not miss comments. Lynette said that temporary placement should be defined by how long it is; temporary placement should not be overused but it might be the only safe option. Jordan said that there was no consensus on this question. She said that they can refine the criteria for another party to answer the question and how to keep the answer in compliance. Trace thanked them. Trace asked for more comments; there were none. Jordan asked if there were any more comments on draft recommendation 6. Renee said that the recommendation should be mindful about education that is relevant. Trace asked for more comments. Lynette appreciated calling it education rather than training. Trace thanked her. Trace asked for more comments; there were none.
Public Comment	<ul style="list-style-type: none"> No public comment.
Next Steps and Adjourn	<ul style="list-style-type: none"> Jordan said that she cannot send the revised recommendations on 8/12 like she planned so she asked if members want all the revised recommendations at once or if she should send draft recommendation 1 through 6 first and then send draft recommendation 7 after the next meeting. Trace suggested sending the revised draft recommendations 1 through 6 when they are ready and then sending draft recommendation 7 after the next meeting. Jordan provided context for draft recommendation 7. Trace asked for questions; there were none.



	<ul style="list-style-type: none">• Trace dismissed the task force; they directed task force members to respond to a survey on revised recommendations 1-6. They said that there will be language on revised recommendation 7 with a corresponding survey to respond to that language after the next meeting. The task force adjourned at 3 PM; the next meeting is 8/14 at 8 AM.
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Appendix A:

- David Lee
- Dennis Desparrois
- Jenna Coleman
- Elizabeth Montoya
- Kevin Lash
- Ashley Chase
- Becky Miller Updike
- Norma Aguilar Dave
- Dr. Renee Marquardt
- Lynette Overmeyer
- Beth McNalley
- Kelly Abbott