

Directive One (C.R.S. 19-3.3-111(5)(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.”

DRAFT Recommendations for Directive One

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement has two recommendations regarding improving the sufficiency of quantitative and qualitative statewide data regarding the experiences of children who have run away from care:

Recommendation 1(A): Creation of a Standard, Statewide Information and Data Collection System – The Colorado General Assembly should propose and fund legislation to secure a third-party consultant or obtain services from an institution of higher education to develop a standard, statewide information and data collection system (data system) for the collection of information and data regarding children and youth who run away from care (as addressed in Recommendation 3(A)).

All information and data gathered from children or youth should be done in a trauma-informed manner. This information and data must include, at a minimum, the following:

- The conditions that contributed to a child or youth running from care, including reasons self-reported by children or youth;
- The experiences of children and youth while they were away from care; and
- The services and care provided to children and youth after they returned to care.
- Data concerning the number of incidents of children and youth who have run away from care;
- De-identified data demonstrating the number of children or youth who ran away from care multiple times;
- Did the run result in a change of placement for the child or youth;
- De-identified data concerning the placement of children and youth who were recovered after running away from care;
- Data demonstrating the duration children or youth were away from care;
- Data demonstrating the number of times physical restraints were used in an attempt to prevent a child or youth from running away from care (See Directive Five);
- Reported reasons for running away from care and any correlating data or analysis of those reasons;
- Any proposed changes in practice, regulation or law to address reported reasons for running away from care;
- Reported experiences of children and youth while away from care and any correlating data or analysis of those experiences;
- Any proposed changes in practice, regulation or law to address reported experiences of children or youth while away from care;
- Data and information concerning the services provided to children and youth after they returned to care; and

- Any proposed changes in practice, regulation or law to address any identified gaps in service for children and youth who return to care.

The standard, statewide data system should accommodate the collection and storage of information and data from across Colorado. In assessing the placement and operations of this standard, statewide data system, the third-party consultant should consider utilization of the current statewide child welfare database, Trails. If Trails is unable to accommodate the components listed below, an alternative system that is compatible with Trails should be developed.

In developing the standard, statewide data system, the third-party consultant or institution of higher education should ensure the statewide, standard data system allows for the following functionalities:

- Any needed updates to the high risk victimization tool or a similar evaluation;
- Protections to ensure the data system does not artificially limited the amount of information that may be entered;
- Timelines for when the data and information should be collected from the child or youth and the deadline for when data and information should be entered into the data system. The task force recommends that information be collected no more than 24 hours after a youth returns to care and entered into the standard data system no more than 48 hours after their return;
- Ensure the data system allows for the collection of demographic information of children and youth who run away from care, when available. This demographic data must include, if available, but is not limited to: race, ethnicity, language, gender expression, disability status, sexual orientation, national origin, and income.¹
- Ensure the data system allows for the extraction of data and information that is comprehensive and allows for meaningful analysis.

For any statewide, standard data system to be effective, the third-party consultant of institution of higher education must ensure the data system includes:

- The commission of focus groups of children and youth in out-of-home placements and providers to be administered by an institution of higher education. Such research shall be completed to help determine what conditions or reasons cause children or youth to run away from care, the provider's efforts to locate children or youth who have run away and the services provided after returning to care.
- The production and publication of an annual report detailing data and information contained in the data system. This report must be proactively published and made available to the public and ensure a copy is provided to the General Assembly.

In developing the standard, statewide data system, the third-party consultant or institution of higher education should engage members of the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement.

¹ Such demographic information should be congruent with the collection of demographic information required in Senate Bill 24-200.

The Colorado General Assembly should also propose and fund legislation to implement the developed standard, statewide data system. Such legislation should ensure that use of the data system is required by providers, county departments of human services and the Colorado Department of Human Services. Finally, the standard, statewide data system should be evaluated every two years.

Recommendation 1(B): Development of Standard Training for the Standard, Statewide Information and Data Collection System-- The third-party consultant or institution of higher education should also be funded to, and charged with, developing standard and required training for those required to collect, enter and/or analyze data or information required by the data system proposed in Recommendation 1(A). The curriculum should, at a minimum, include training on the following:

- The collection of the data and information outlined above;
- The entry of data and information into the standard data system; and
- Implicit bias in the collection and analysis of data.

The Colorado General Assembly should also propose and fund legislation to implement the developed training. Such legislation should ensure that the training is required by providers and evaluated regularly.

Directive Two (C.R.S. 19-3.3-111(5)(b))

“Analyze the root causes of why children run away from out-of-home placement.”

DRAFT Recommendations for Directive Two

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement completed the required analysis under C.R.S. 19-3.3-111(5)(b). This was done through multiple discussions by members throughout the duration of the task force. It was also achieved with the completion and publication of the report capturing experiences of children and youth in residential care, as well as providers, required under C.R.S. 19-3.3-111(6)(a). As such, the task force is not issuing a recommendation specific to Directive Two.

However, members of the task force identified the benefits of the regular collection and dissemination of this information. To accomplish this, the task force has incorporated the required collection and publication of such information within the components of Recommendation 1(A).

Directive Three: (C.R.S. 19-3.3-111(5)(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.”

DRAFT Recommendations for Directive Three

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement has three recommendations to develop standardized statewide policies regarding how to respond to and care for children and youth who run away from care.

Recommendation 3(A): Define Risk Categories for Children or Youth Who Runaway from Care – The task force was unable to create a singular definition for what constitutes running away from care. However, members did recognize that certain characteristics inherently place a child or youth at an elevated level of risk that should prompt varying responses from professionals. These characteristics are distinct from circumstances in which a child or youth running away does not present a high risk to their safety or well-being and/or demonstrate age-appropriate behaviors. The characteristics that present an elevated level of risk are:

- The child or youth is believed to be in the company of adults who could endanger their safety;
- The child or youth has exhibited suicidal tendencies, or expressed suicidal ideation;
- The child or youth is believed to have intent to severely physically harm another person
- The child or youth is 11 years of age or younger and/or is believed to be out of the zone of safety for their age or developmental stage;
- The child or youth has one or more health conditions that, if not treated daily, will place the youth at severe risk;
- The child or youth did not have permission to leave the out-of-home placement;
- The child or youth is drug dependent, including prescribed medication and/or illegal substances, and the dependency could be a danger to self or others;
- The child or youth has severe emotional problems that, if not treated, will place the youth at severe risk;
- The child or youth has a developmental disability that impairs the youth’s ability to care for him/herself;
- The child or youth is pregnant or parenting and potentially placing the unborn child or child at risk;

- The child or youth is missing more than 24 hours before being reported to law enforcement;
- The child or youth is believed to be in a life-threatening situation;
- The child or youth's absence is inconsistent with their established patterns of behavior and the deviation is not readily explained;
- The child or youth is known or believed to be a victim of human trafficking (sex trafficking, labor trafficking, or both); and/or
- Other circumstances involved in the disappearance that would cause a reasonable person to conclude that the child or youth should be considered at imminent risk.

Based on the characteristics stated above, the Colorado General Assembly should propose and fund legislation to secure a third-party consultant or obtain services from an institution of higher education to develop a statewide, standardized multi-tiered categories of risk, designating a child or youth's risk level associated with running away from care.

The third-party consultant or institution of higher education should determine how a child or youth will receive a designation in a particular category of risk at the beginning of their placement. This process must include the consideration of any protective factors present when the child or youth ran away from care, including whether they took a cell phone with them or returned to a safe location. This designation may be reconsidered and re-evaluated periodically as conditions for the youth may change. This designation must be reconsidered and re-evaluated following each incident of a child or youth running away from care. A child or youth's designation in a particular category of risk will then determine how and when various entities should respond if the youth were to run from care.

In developing the criteria, the third-party consultant or institution of higher education should engage members of the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement.

The Colorado General Assembly should also propose and fund legislation to implement the multi-tiered criteria. Such legislation should ensure that use of the criteria is required by providers, county departments of human services and the Colorado Department of Human Services. Finally, the standard data system should be evaluated every two years.

Recommendation 3(B): Utilizing Defined Risk Categories, Develop Standard Response Protocols for Children or Youth Who Run Away from Care -- The Colorado General Assembly should propose and fund legislation to secure a third-party consultant or obtain services from an institution of higher education to create statewide, standard response protocols for each category of risk to achieve the following:

If a youth runs from care, the risk category they have been attributed (see Recommendation 3(A)) should be utilized to trigger specific types of required response protocols. For instance, if a youth is determined to be more likely to run away from care, their running from care would prompt certain response requirements not shared with those youth who have been determined to be less likely to run away from care.

The youth's risk designation would impact response components such as: timeframes, involvement of specialized investigation staff (see Recommendation 7(A)) and other agencies/entities, notifications, recovery efforts, and reporting practices.

In developing the standard response protocols, the third-party consultant or institution of higher education should engage members of the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement.

The Colorado General Assembly should also propose and fund legislation to implement the developed response protocols. Such legislation should ensure that use of the protocols is required by providers, county departments of human services and the Colorado Department of Human Services. Finally, the standard data system should be evaluated every two years.

Recommendation 3(C): Ensure Diversity, Equity and Inclusion are Considered – In developing the multi-tiered risk criteria and standard response protocols, the third-party consultant or institution of higher education should ensure that both products consider the race, ethnicity, language, gender expression, disability status, sexual orientation, national origin and income of the child or youth.²

² Such demographic information should be congruent with the collection of demographic information required under Senate Bill 24-200.

Directive Four: (C.R.S. 19-3.3-111(5)(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.”

DRAFT Recommendations for Directive Four

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement completed the analysis required under C.R.S. 19-3.3-111(5)(d). Ultimately, the task force found that, currently, there is not sufficient data and information to determine the relationship articulated in Directive Four. As such, the task force is unable to issue a recommendation. To address this gap, the task force has proposed the statewide, standard data system detailed in Recommendation 1(A).

Directive Five (C.R.S. 19-3.3-111(5)(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.”

DRAFT Recommendations for Directive Five

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement has five recommendations regarding clarifying Colorado law and the use of physical restraints and the development of temporary placement facilities

Recommendation 5(A): Clarify the meaning of “imminent” – The Colorado General Assembly amend Colorado statute to clarify the term “imminent” within C.R.S. 26-20-102(3). Such an amendment should seek to codify the broader interpretations of imminent found in current case law.

The task force proposes the following amendment:

C.R.S. §26-20-102

(3) “Emergency” means a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm.

(4) “IMMINENT” MEANS AN IMPENDING THREAT TO ONE’S SAFETY THAT MAY NOT BE ABSOLUTE OR IMMEDIATE, BUT THE NATURE OF THE THREAT IS SEVERE.

Recommendation 5(B): Clarify a facility’s duty to intervene – The Colorado General Assembly amend Colorado statute to clarify when facilities have a duty to intervene when a child or youth threatens or attempts to run away from care. This amendment should make clear, based on criteria and standard protocols detailed in recommendations 3(A) and 3(B), the continuum of methods that are available to facilities to prevent child or youth from running away from care.

Recommendation 5(C): Establish a “Good Faith” Provision for Facilities Regarding the Use of Restraints – The Colorado General Assembly amend Colorado statute to create a “good faith” provision regarding the duty of facilities to respond when a child or youth threatens or attempts to run away from care.

Recommendation 5(D): Require Parents and Caregivers be Informed of Policies -- The Colorado General Assembly amend Colorado statute to require facilities and providers provide parents and caregivers with their individual policies regarding the use of physical restraints. This information should also be collected and published by the Colorado Department of Human Services Department, which should be charged with ensuring the information is accurate and meets legal requirements.

Recommendation 5(E): Assess Viability of Temporary Placements -- The Colorado General Assembly should propose and fund legislation to secure a third-party consultant or obtain services from an institution of higher education to assess the viability of implementing temporary placements for children and youth after they run away from care. First, the third-party consultant or institute of higher education should determine if temporary placements -- based on the criteria listed below -- are permissible under federal and state law.

As part of this analysis, the third-party consultant or institution of higher education should consider the task force's desire that such temporary placements contemplate the following:

- Temporary placements should not be mere holding places but should include programming to identify and meet the clinical needs of youth. This includes continuity in education and service or treatment plans established before they run.
- The appropriate duration for a child or youth to remain at a temporary placement.
- There should be effective communication and collaboration across various disciplines and entities involved with the child or youth to ensure cohesive support.
- Upon intake, there should be an assessment to understand the root causes of the youth running away from care and to inform longer-term placement planning.
- Temporary placement facilities should ensure that youth who are on medication continue to receive them in temporary placements, addressing liability concerns.
- Temporary placement facilities should eliminate disqualifiers such as a history of running away, which often prevent youth from being placed in temporary placements.
- Temporary placement facilities should emphasize stabilization, safety planning and permanency planning as integral parts of the temporary placement process.
- Temporary placement facilities should take into account the developmental stage and any intellectual or developmental disabilities of the youth.
- Temporary placement facilities should address gaps in data to better understand the scope of the issue and inform further planning efforts. They should also embed requirements for data collection and use.
- Temporary placement systems and policies should ensure that temporary placements meet the culturally relevant needs of youth and that there is consistency in options available for both temporary and longer-term placements.

In assessing the viability of temporary placements, the third-party consultant or institution of higher education should engage members of the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement.

Directive Six (C.R.S. 19-3.3-111(5)(f))

“Analyze the 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.”

DRAFT Recommendations for Directive Six

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement has five recommendations to address the following: (1) Improvements to the physical infrastructure of facilities to help reduce the number of children and youth who run away from care; (2) The development of a pre-admission screen tool to help determine a child or youth’s risk of running away and an individualized response plan; and (3) Developing standard and required training regarding the risks of running away from care.

Recommendation 6(A): Additional Study of Physical Infrastructure Needs – The Colorado General Assembly should fund a statewide assessment of additional physical infrastructure within residential facilities to help prevent children and youth from running from out-of-home care. This study should include the use of delayed locks, fencing and alarms. Funding should also be provided for the implementation of these mechanisms, if the study finds their use to be appropriate.

Recommendation 6(B): Require Consideration of a Placement’s Physical Infrastructure – The task force recognizes that youth in residential facilities are deserving of supportive, trauma-informed environments. The task force also recognizes that this must be balanced with measures to ensure children and youth are secure and safe. As such, the following recommendation should be done in the least restrictive way.

The task force recommends the promulgation of statute or regulations to require children or youth be assessed prior to placement in facilities, to ensure the facility’s physical infrastructure is congruent with the needs of the child or youth. This evaluation should be done in a manner that places consideration of a facility’s physical infrastructure in balance with other considerations of any clinical assessment. This placement should be regularly reviewed to determine if a less restrictive environment is available and adequate.

Recommendation 6(C): Develop Standard Pre-Admission Risk Assessment Tool – The Colorado General Assembly should draft and fund legislation to secure a third-party consultant or obtain services from an institution of higher education to develop a pre-admission risk assessment tool that is utilized shortly after a youth has been placed in out-of-home care. Use

of the tool should be required for children or youth placed in residential facilities, or children or youth in a foster care placement, if the child or youth has a history of running away from care.

The third-party consultant or institute of higher education should also develop a one-year pilot program utilizing the running risk assessment screening tool and standard data system described in Recommendation 1(A). The pilot program should include **X** number of urban counties and **Y** number of rural counties.

In developing the pre-admission tool and the pilot program, the third-party consultant or institution of higher education should incorporate the following:

- Evaluation methods throughout and after the pilot program, and enabling tool modifications based on evaluation and feedback in order to ensure an optimal program to potentially be implemented statewide after the pilot period.
- Creation and implementation of standard training for those who will utilize the screening tool.
- Development of practices for monitoring compliance with the requirements of the tool and related data entry.
- Incorporation of trauma-informed practices throughout the development and implementation of the tools.
- Determination of how the information obtained from the tools may be used to adjust a treatment plan for the youth while they are in out-of-home care. This should include possible interventions for a youth threatening or attempting to run away from care.

In developing the tool and pilot program, the third-party consultant should require that information collected by the tool be entered into the data system recommended in Recommendation 1(A) to ensure the information is available statewide. Additionally, the development of the tool and pilot program should utilize the characteristics of a child or youth running away from care, as stated in Recommendation 3(A).

In developing the tool and pilot program, the third-party consultant or institution of higher education should engage members of the Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement.

The Colorado General Assembly should also propose and fund legislation to implement the developed tool and pilot program. Such legislation should ensure that use of the tool is required by providers, county departments of human services and the Colorado Department of Human Services. Finally, the tool should be evaluated every two years.

Recommendation 6(D): Create Standard Education for Those Providing Out-of-Home Care – The Colorado General Assembly should draft and fund legislation to create standard and required education for those providing out-of-home care to children and youth, including residential facilities and foster care providers regarding the risks of running away from care. This education should consider pre programs such as the National Runaway Safeline and others studied by the task force. Any education curriculums for providers should be made public and provided to parents and caregivers of children and youth residing in out-of-home care.

The curriculums for providers should also include components of implicit bias and be cognizant of the race, ethnicity, language, gender expression, disability status, sexual orientation, national origin, and income of the children and youth in care.³ Statute should require the regular review and revision of such training and provide opportunities for public feedback.

Recommendation 6(E): Create Standard Education for Children/Youth Regarding the Risks of Running Away from Care – The Colorado General Assembly should draft and fund legislation to create standard and required education for children and youth residing in out-of-home care, regarding the risks of running away from care. The recommended education should only be required for children or youth of the appropriate age. This education should consider pre programs such as the National Runaway Safeline and others studied by the task force. Any curriculums for children and youth should be made public and provided to parents and caregivers of children and youth residing in out-of-home care.

The training curriculums for children and youth should be cognizant of the race, ethnicity, language, gender expression, disability status, sexual orientation, national origin, and income of the children and youth in care.⁴ Statute should require the regular review and revision of such training and provide opportunities for public feedback.

³ Such demographic information should be congruent with the collection of demographic information required under Senate Bill 24-200.

⁴ Such demographic information should be congruent with the collection of demographic information required under Senate Bill 24-200.