

State Policies Regarding Hardware use to Prevent Children from Running from Care

The Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement, and its Prevention Subcommittee, is considering policy options to enable hardware preventing youth from running from care. To aid this, the Office of Colorado’s Child Protection Ombudsman (CPO) has conducted research on approaches taken in other states’ statutes and regulations.

The following pages present four states – California, Kansas, Washington, and Wyoming – as examples of states enabling run-preventing hardware for youth in out-of-home placements. It should be noted that the youth addressed by these policies and regulations do not necessarily exactly match up with the populations being considered by the task force (for instance, California’s statute is limited to youth with developmental disabilities); however, the policy mechanisms used in these state examples may still be of interest to task force members. State examples in this resource do not include use of seclusion and restraint, which will be discussed in future materials. The text provided in the following pages are snippets of relevant statute and regulation; please consult provided links to see full text, context, and detail. Federal resources providing overviews of related state policies can be found [here](#) and [here](#).

It is important to note that the CPO is providing this information as an informational resource as Task Force members consider possible changes in Colorado. The curation of this information is not an endorsement of any particular policy, and the CPO neither endorses nor disapproves of the policies included below.

California: Statute enables both the use of secured perimeters and delayed egress in residential facilities for persons with developmental disabilities, with special restrictions based around age but generally including youth. Statute describes elements such as assessments and staff training.

Kansas: Regulations specify a system that allows for “secure residential treatment facilities”, with entrances and exits exclusively controlled by staff. These are for youth with a certain diagnosis and with specific stated characteristics as described. Standard length of treatment is six months, although this can be extended.

Washington: Statutory definitions of secure facilities, semi-secure facilities, and staff-secure facilities are provided, as well as statute regarding court-ordered placements in such facilities.

Wyoming: Regulations describe Secure Residential Treatment Centers (RTCs) which use locked doors to prevent children from leaving and which must be nationally accredited.

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California - Secured Perimeters and Delayed Egress Devices

California statute sets forth requirements regarding the use of [secured perimeters](#) and [delayed egress](#) in residential facilities for persons with developmental disabilities. Although this does not match the range of youth considered by the task force, these policy mechanisms may still be of interest to task force members. Portions of the relevant statutes are provided below, please consult the links to see the full context of these sections.

Secured Perimeters

[Cal. Health & Safety Code § 1531.15.](#)

(a) A licensee of an adult residential facility, short-term residential therapeutic program, or group home for no more than six residents, except for the larger facilities provided for... may install and utilize **secured perimeters** in accordance with the provisions of this section.

(b) As used in this section, “**secured perimeters**” means **fences** that meet the requirements prescribed by this section.

(c) Only individuals meeting all of the following conditions may be admitted to or reside in a facility described in subdivision (a) utilizing secured perimeters:

(1) The person shall have a **developmental disability** as defined in Section 4512 of the Welfare and Institutions Code.

(2) The person shall be **receiving services and case management** from a regional center under the Lanterman Developmental Disabilities Services Act...

(3) (A) The person shall be **14 years of age or older, except as specified** in subparagraph (B).

(B) Notwithstanding subparagraph (A), **a child who is at least 10 years of age and less than 14 years of age** may be placed in a licensed group home described in subdivision (a) using secured perimeters only if both of the following occur:

(i) A **comprehensive assessment** is conducted and **an individual program plan meeting is convened** to determine the services and supports needed for the child to receive services in a less restrictive, unlocked residential setting in California, and the regional center requests assistance from the State Department of Developmental Services’ statewide specialized resource service to identify options to serve the child in a less restrictive, unlocked residential setting in California.

(ii) The regional center **requests placement** of the child in a licensed group home described in subdivision (a) **using secured perimeters on the basis that the placement is necessary to prevent out-of-state placement or placement in a more restrictive, locked residential setting** such as a developmental center, institution for mental disease or psychiatric facility, and the State Department of Developmental Services approves the request.

(4) The person is **not a foster child under the jurisdiction of the juvenile court...**

(5) (A) An interdisciplinary team, through the individual program plan (IPP) process...shall have determined the person **lacks hazard awareness or impulse control** and, **for the person's safety and security, requires the level of supervision afforded by a facility equipped with secured perimeters**, and, but for this placement, the person would be at risk of admission to, or would have no option but to remain in, a more restrictive placement. The individual program planning team shall convene every 90 days after admission **to determine and document the continued appropriateness** of the current placement and progress in implementing the transition plan.

(B) The **clients' rights advocate for the regional center shall be notified** of the proposed admission and the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf....

(e) The licensee shall provide **staff training** regarding the use and operation of the secured perimeters, protection of residents' personal rights, lack of hazard awareness and impulse control behavior, and emergency evacuation procedures.

(f) The licensee shall revise its **facility plan of operation**. These revisions shall first be approved by the State Department of Developmental Services...The plan shall include, but not be limited to, all of the following: (1) A description of how the facility is to be equipped with **secured perimeters** that are **consistent with regulations adopted by the State Fire Marshal** pursuant to Section 13143.6. (2) A description of how the facility will provide training for staff. (3) A description of how the facility will ensure the **protection of the residents' personal rights**... (4) A description of how the facility will **manage residents' lack of hazard awareness and impulse control behavior**, which shall **emphasize positive behavioral supports and techniques** that are alternatives to physical, chemical, or mechanical restraints, or seclusion. (5) A description of the facility's **emergency evacuation procedures**. (6) A description of how the facility will comply with applicable health and safety standards.

(g) **Secured perimeters shall not substitute for adequate staff.**

(h) Emergency fire and earthquake drills...

(i) Interior and exterior space shall be available on the facility premises to permit clients to **move freely and safely**...

(k) The state shall not authorize or fund more than a combined total of **174 beds statewide** in facilities with secured perimeters under this section...

Delayed Egress Devices

[Cal. Health & Safety Code § 1531.1.](#)

(a) A residential facility licensed as an adult residential facility, group home, short-term residential therapeutic program, small family home, foster family home, or a family home certified by a foster family agency **may install and utilize delayed egress devices** of the time delay type.

(b) As used in this section, “**delayed egress device**” means a device that precludes the use of exits for a predetermined period of time. These devices shall not delay any resident's departure from the facility for longer than 30 seconds.

(c) Within the 30 seconds of delay, **facility staff may attempt to redirect a resident who attempts to leave the facility.**

(d) Any person accepted by a residential facility or family home certified by a foster family agency utilizing delayed egress devices shall meet all of the following conditions [person shall have **developmental disability**, be **receiving specific services and case management**, and] An interdisciplinary team, through the individual program plan (IPP) process pursuant to Section 4646.5 of the Welfare and Institutions Code, shall have determined that the person **lacks hazard awareness or impulse control and requires the level of supervision afforded by a facility equipped with delayed egress devices**, and that but for this placement, the person would be at risk of admission to, or would have no option but to remain in, a more restrictive state hospital or state developmental center placement...

Kansas – Secure Facilities

[This resource](#) compiles Kansas’ licensing regulations for secure residential treatment facilities (K.A.R. 28-4-330 through 343), beginning with a table of contents on page 32. Below are snippets from these regulations; please refer to the full regulation text in the above link for complete context, exact sequencing, and more detail.

Secure Facilities

28-4-330 Definitions (see page 35 of compilation [resource](#))

(n) “**Secure facility**” means a child care facility that is operated or structured to ensure that the **entrances and exits from the facility are under the exclusive control of the staff...** (o) “**Secure residential treatment facility**” means a secure facility operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more **youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition.**

28-4-335. Admission and release policies (see page 52 of compilation [resource](#))

(b) **Any youth may be admitted** to the secure residential treatment facility **if the preadmission evaluation of the youth indicates all of the following:** (1) The youth is a danger to self or others. (2) The youth requires treatment in a secure setting. (3) Less restrictive care is not available...

(h) **Length of treatment.** (1) Each youth shall be **released or transferred within six months** of the youth's admission date. (2) A secure residential treatment facility may **request that a youth remain in the facility longer** than six months, if the treatment team determines that continued treatment in a secure residential treatment facility is necessary and the department approves.

28-4-339. Rights of youth (see page 72 of compilation [resource](#))

(a) The **rights of youth** while in the licensee's care or control **shall not be diminished or denied for disciplinary reasons**. (b) Each secure residential treatment facility shall establish and implement **written policies and procedures concerning the rights of the youth**.

Washington Hardware Policies – Secure and Semi-Secure Facilities

Washington [statute](#) defines several key concepts of potential interest to the task force: *at-risk youth, child in need of services, secure facility, semi-secure facility, and staff secure facility*. Elsewhere, [statute](#) describes circumstances in which a court may order a child to be placed in a staff secure facility.

Secure and Semi-Secure Facilities

[Wash. Rev. Code Ann. § 13.32A.030](#)

(3) "**At-risk youth**" means a juvenile: (a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent; (b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or (c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse...

(5) "**Child in need of services**" means a juvenile: (a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; (b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and (i) Has exhibited a serious substance abuse problem; or (ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; (c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family; (ii) Who lacks access to, or has declined to use, these services; and (iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or (d) Who is a "sexually exploited child."...

(7) "Crisis residential center" means a **secure or semi-secure facility**...

(16) "**Secure facility**" means a crisis residential center, or portion thereof, that has **locking doors, locking windows, or a secured perimeter**, designed and operated to **prevent a child from leaving without permission** of the facility staff.

(17) "**Semi-secure facility**" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to **reasonably assure that**

youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, **may condition a resident's leaving the facility upon the resident being accompanied** by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(19) "**Staff secure facility**" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

[Wash. Rev. Code Ann. § 13.32A.197](#)

(1) In a disposition hearing, after a finding that a child is a **child in need of services** or an **at-risk youth**, the court may adopt the additional orders **authorized under this section** if it finds that the child involved in those proceedings is not eligible for inpatient treatment for a mental health or substance abuse condition and **requires specialized treatment**. The court may order that a child be placed in a **staff secure facility**, other than a crisis residential center, that will provide for the child's participation in a program designed to remedy his or her behavioral difficulties or needs. The court may not enter this order unless, at the disposition hearing, it finds that the **placement is clearly necessary to protect the child** and that **a less restrictive order would be inadequate to protect the child**, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future exposure to serious risk should the child run away from home again.

(2) The order shall require **periodic court review** of the placement...At each review hearing the court shall advise the parents of their rights... review the progress of the child, and determine whether the orders are still necessary for the protection of the child or a less restrictive placement would be adequate. The court shall modify its orders as it finds necessary to protect the child....Placements in **staff secure** facilities under this section shall be limited to children who meet the statutory definition of a child in need of services or an at-risk youth...

Wyoming Hardware Policies – Locked Facilities

Regulations on this topic can be found by going to [this](#) link, selecting Family Services, Dept. of, then selecting Providers of Substitute Care Services, Certification of. Below are snippets from these regulations; please refer to the full regulation text for complete context and more detail.

Secure Residential Treatment Centers - WY Rules and Regulations 049.0029.10 ([file link](#))
RTCs [Residential Treatment Centers] provide services for children who require a combination of therapeutic, educational, and treatment services in a group care setting....

(a) **RTCs shall provide:**

(i) Wyoming Department of Education approved or accredited on-grounds **school**, a High School Equivalency program, or a program which works with the local school district to meet the educational needs of the child;

(ii) A minimum of twenty-four (24) hours of **therapeutic services** per child per month, which shall include a combination of behavior modification, individual therapy, group therapy and family therapy. The specific services shall be determined by the treatment team through the creation and implementation of an ITPC that is family based, child guided and culturally responsive; and

(iii) **Ongoing discharge and continuing care planning.**

(b) **Secure RTC** is defined as an RTC or portion of an RTC, which **uses locked doors or any other physical measures to prevent children from leaving** the RTC.

(i) Secure RTCs shall comply with all standards set forth in [this Chapter](#)

(ii) A facility which offers both **secure and non-secure** care shall have a separate living unit or wing of a living unit provided exclusively for secure care.

(iii) **Locking hardware** is permitted on children's sleeping room doors if equipped with an approved electronic locking-release mechanism.

(iv) **All secure RTCs must be nationally accredited.**

WY Rules and Regulations 049.0029.3 [file link](#)

Health and safety requirements for adoptive homes, foster care and therapeutic foster care...

(viii) **Doors** shall be operable from the inside without the use of a key or special effort, **excluding secure facilities.**