

State Policies Preventing 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 enhance prevention efforts. To aid this, the Office of Colorado’s Child Protection Ombudsman (CPO) has conducted research on approaches taken in other states’ statutes and regulations for consideration.

The following pages present four states – Kansas, Vermont, Wyoming and Texas – as examples of prevention efforts made in state policy and/or regulation. In conducting this research, the CPO searched for statute and regulation that included both the types of out-of-home care being considered by the task force (not including environments such as corrections facilities), locking capabilities, and guidance or restrictions on allowed use of seclusion and restraint. On the final page, Texas’ policy providing for runaway prevention education training is described. 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, not as an endorsement, and this is not a comprehensive capture of task force considerations.

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. Regulations describe limited allowance of seclusion and restraint, and enumerate the rights to which youth in such facilities are entitled.

Vermont: Regulations define Secure Programs, which employ locked or inoperable doors and windows to prevent youth from leaving 24-hour residential care. Regulation also specifies regulations around the use of seclusion and restraint for youth in secure facilities.

Wyoming: Regulations describe Secure Residential Treatment Centers (RTCs) which use locked doors to prevent children from leaving and which must be nationally accredited. Limited use of physical restraint, related requiring training, and limited use of Seclusion Rooms is also included.

Texas: Texas recently enacted legislation creating requirements for certain caretakers to take training related to runaway prevention. Statute also requires the provision of trauma-informed care. Training materials for both of these are available for free online, without registration.

Kansas Policies Preventing Children from Running from Care

[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.

Locked 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.**

Seclusion and Restraint - [28-4-338](#) (see page 65 of compilation [resource](#))

(1) **Involuntary seclusion** shall be permitted within a secure residential treatment facility **only when** a youth is out of control, continually refuses to obey reasonable and lawful requests, or behaves in a way that presents a threat to self or others. (2) Each secure residential treatment facility shall establish and implement **written policies and procedures** that govern the use of involuntary seclusion...(d)(1)Each facility shall establish and implement **written policies and procedures** that govern the use of **restraint.** (4) **Restraint or involuntary seclusion** shall never be used for punishment or for the convenience of staff. Restraint or involuntary seclusion shall **not be used for more than three consecutive hours** without medical reevaluation of its necessity, except between the hours of 12:00 midnight and 8:00 a.m.

Vermont Policies Preventing Children from Running from Care

[This resource](#) compiles Vermont's licensing regulations for secure residential treatment facilities (CVR 13-172-001). 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.

Locked Facilities

Secure Program: is a building secure Residential Treatment Program which employs **locked or inoperable doors and windows to prevent children/youth from leaving the building** i.e. a detention program or hospital.

Residential Treatment Program: (formerly called a Residential Child Care Facility) is a place, however named, which provides a planned program aimed at behavioral change, administered by qualified staff, for **children in a twenty-four hour residential setting...**

Seclusion and Restraint

Restraint, Mechanical: The use of any device, article, or garment attached or adjacent to the child/youth's body that restricts freedom of movement.

Restraint, Physical: The application of physical force by one or more individuals that reduces or restricts the child/youth's freedom of movement, including an escort.

Secure Facilities shall be **exempt** from the following regulations...

648 A Residential Treatment Program shall prohibit all cruel, severe, unusual or unnecessary practices including, but not limited to:

- Strip searches;
- **Mechanical restraint.**
- **Locked buildings, rooms, recreation areas.**

...

Secure Facilities shall follow these additional regulations.

901 Orientation and on-going training shall include; Security procedures; **Trauma informed** use of **mechanical restraint**; **Trauma informed** execution of strip search.

...

905 **Mechanical Restraints** shall only be used by the program to **bring a child/youth into the facility, when exiting the facility, and off the premises** while in the custody of the facility.

Wyoming Policies Preventing Children from Running from Care

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.

Locked Facilities - WY Rules and Regulations 049.0029.10 ([file link](#))

RTC's [Residential Treatment Centers] provide services for children who require a combination of therapeutic, educational, and treatment services in a group care setting.

(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.**

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

(i) The purpose of **physical restraint** shall be to provide only that **degree of physical control** that the child is unwilling or unable to provide for him or herself and to prevent physical harm to self or others...The organization shall ensure that a child is **released from a restraint** as soon as the child gains control...An organization shall not permit the application of a restraint if a child has a documented physical or mental condition that would **contraindicate** its use...If the organization is using physical restraint, all staff and foster parents using physical restraint shall be **oriented and trained** in a nationally recognized program for appropriate behavioral intervention procedures...Each program choosing to use **physical restraint** shall have a written **physical restraint policy**...

A **Seclusion Room** is a safe and secure individual room in which a child, who is **beyond control and a danger to himself/herself or others**, may be temporarily **confined**...At the time of admission of the child to the facility, the child's parent or legal guardian shall be informed of the use of the Seclusion Room and the circumstances under which it will be employed and a **written consent must be obtained** from the child's parent or legal guardian authorizing the use of the Seclusion Room...**Time limits** are as follows: (A) One (1) hour for children nine (9) years of age and under; and (B) Two (2) hours for children ten (10) years of age and above... There shall be **no more than one (1) locked door** between the child and the staff member, unless a mechanism for supportive monitoring is in place.

Texas Policies on Trauma-Informed and Runaway Prevention Education

In 2023, Texas enacted a [bill](#) creating a requirement that caregivers of children in the conservatorship of the department under 10 years of age must complete runaway prevention education. That statute is provided below, along with related agency training and resources.

Texas - V.T.C.A., Family Code § 264.015

(a) The department shall include training in **trauma-informed** programs and services in any training the department provides to foster parents, adoptive parents, kinship caregivers, department caseworkers, and department supervisors...

(d) **Each foster parent, prospective adoptive parent, and relative or other designated caregiver** who provide care for children and youth in the conservatorship of the department who are 10 years of age or older **shall complete a training program** on:

(1) **runaway prevention measures**; and

(2) **proper procedures in the event a child or youth runs away** from the provider.

(e) The training under Subsection (d) may be:

(1) offered to providers who provide care for children in the **conservatorship** of the department who are **younger than 10** years of age who have a history of running away;

(2) included as part of existing licensing training provided by the department or contracted residential child-care providers; and

(3) offered in lieu of required training that is not relevant based on the age of the children for whom the person will be providing care.

The Texas Department of Family and Protective Services (DFPS) website has **two training modules** to comply with this statute: [Runaway Prevention](#) and [Trauma-Informed Care](#). These can be taken for free with no log-in required. Both are offered in English or Spanish. The DFPS also has a [Runaway Prevention Resource Guide](#) available online, with sections on runaway prevention, children at higher risk for runaway behavior, notifications, what to do if a child is at risk of running away, and a special section on **runaway prevention planning for children in substitute care**.