

## Timothy Montoya Task Force | Meeting 20

July 31, 2024

### DRAFT Recommendations for Directives 1, 2, 3 and 4

#### 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)** – 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 framework for the collection of information and data regarding a child or youth’s reasons for running away from care, their experiences while they were away from care and the services provided after returning to care. In developing the standard framework, the third-party consultant or institution of higher education should incorporate the following:

- Any needed updates to the HRV tool or a similar evaluation;
- Protections to ensure the framework 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 framework;
- Ensure the framework 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.
- Ensure the framework allows for the extraction of data and information that is comprehensive and allows for meaningful analysis.
- Require and fund the annual 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.

- Require the production and publication of an annual report detailing data and information contained in the framework. This report should include, at a minimum:
  - 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;
  - 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.
- Require the proposed report to be proactively published and made available to the public and ensure a copy is provided to the General Assembly.

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

**Recommendation 1(B)** -- 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 framework 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 framework; 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)** – 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 multi-tiered categories of risk, designating a child or youth’s risk level associated with running away from care. The task force recommends utilizing objective characteristics to assist in the determining appropriate levels of risk. The task force identified possible characteristics to be considered, including:

- The youth is believed to be in the company of adults who could endanger their safety;
- The youth has exhibited suicidal tendencies, or expressed suicidal ideation;
- The youth is believed to have intent to severely physically harm another person
- The 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 youth has one or more health conditions that, if not treated daily, will place the youth at severe risk;
- The youth is drug dependent, including prescribed medication and/or illegal substances, and the dependency could be a danger to self or others;
- The youth has severe emotional problems that, if not treated, will place the youth at severe risk;
- The youth has a developmental disability that impairs the youth’s ability to care for him/herself;
- The youth is pregnant or parenting and potentially placing the unborn child or child at risk;
- The youth is missing more than 24 hours before being reported to law enforcement;
- The youth is believed to be in a life-threatening situation;
- The youth’s absence is inconsistent with their established patterns of behavior and the deviation is not readily explained;
- The 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 youth should be considered 'at imminent risk.

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 designation may be reconsidered and re-evaluated periodically as conditions for the youth may change. 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.

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

**Recommendation 3(B)** -- 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 varying 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 and other agencies/entities, notifications, recovery efforts, and reporting practices.

The Colorado General Assembly should also propose and fund legislation to implement the developed criteria and categories of risk. Such legislation should ensure that use of the protocols is required by providers and evaluated regularly.

**Recommendation 3(C)** – In developing the multi-tiered risk criteria and standard response protocol, 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.

### **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 not issuing a recommendation specific to Directive Four.

However, while there are various attempts to collect information that would aid analysis in this area, Colorado currently lacks the ability to effectively extract that data and analyze it at a comprehensive level. To address this gap, the task force has incorporated specific components into Recommendation 1(A).