



Timothy Montoya Task Force | Meeting 11

November 1, 2023, Meeting Recap

Prevention Subcommittee

Overview

The Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement is legislatively charged with analyzing the root causes of why children and youth run from out-of-home care to help develop a consistent, prompt and effective response for when children and youth do run. It is also charged with assessing how to address the safety and well-being of children and youth upon their return to care.

Overview of Subcommittee Work

Trace Faust reminded the group that they will divide into one of two subcommittees: Intervention Subcommittee and Prevention Subcommittees. Guest speakers will present during each subcommittee discussion on respective topics. Trace reminded members they will have access to all the materials of the subcommittee they do not select and all members may access full recordings of each meeting on the Office of the Colorado Child Protection Ombudsman's (CPO) website. Dorris Tolliver will be facilitating the Intervention Subcommittee and Jordan Steffen with the CPO will be present to support. Trace will be facilitating the Prevention Subcommittee and Bryan Kelley with the CPO will be present to support. Both subcommittees were provided with unique sets of research specific to the subjects they are discussing.

Prevention Subcommittee

Bryan Kelley from CPO prepared materials on prevention policies from Kansas, Vermont, Wyoming and Texas, providing a five-pager resource for review. At this meeting, Trissie Casanova, Deputy Compact Administrator and Human Trafficking Consultant, and Chris Ward, Residential and Special Investigations Agency Team Supervisor (the unit licenses and regulates all residential treatment programs and conducts investigations into allegations of child abuse or neglect within such facilities) from Vermont addressed the Prevention Subcommittee. Highlights from their presentation include:

- Trissie is the only person in her role in Vermont, and she acknowledged the differences in decentralized roles in Colorado.
- Vermont has staff-secure programs with delayed locks, and they can issue stop orders on high-risk youth to restrain them if they attempt to run away. (The term "stop order" refers to the concept of preventing a youth from running away, typically by physically intervening to prevent them from leaving the facility.)

- Vermont's unique approach involves handling Juvenile Justice and Child Protection under the umbrella of the Department for Children and Families (DCF), serving multiple population groups within the same programming.
- In Vermont, a risk screening tool has been developed to assess the risk of sex trafficking of minors. A high-risk score doesn't automatically lead to a recommendation for a stop order; it contributes to understanding the child's overall risks and planning accordingly.
- Regulations allow for physical intervention with youth, such as restraint, only for immediate safety purposes (where a child poses a significant risk to themselves, other youth, or staff members). Consideration is given to human and civil rights, aiming to prevent unnecessary harm or unfair treatment while addressing serious risks. The regulations include a carve-out for secure Residential Treatment Facilities, acknowledging the need for secure environments for certain youth, especially those accused of serious crimes.
- Some facilities in Vermont are not considered secure but have delayed locks on doors, allowing for fire safety and providing staff with a brief window for de-escalation attempts.
- In Vermont, if a youth is gone for more than three hours, programs are expected to report to the state licenser and the youth's parents or guardian.
- Staff-secure residential treatment programs largely serve kids in DCF custody (child protection or juvenile justice system); there are also residential programs in Vermont serving kids not in these systems.
- Vermont has a unique approach to accessing residential treatment care, allowing kids to receive care without entering the child protection system.
- A question was posed that prompted a discussion about the challenges parents may face in accessing the right facilities for their children, especially when dealing with mental health issues.
- There has been difficulty in managing a facility that served both adjudicated delinquents and kids with significant mental health issues in Vermont. The now-closed locked secure facility faced challenges in addressing the diverse treatment and supervision needs of kids with behavioral issues and those with mental health concerns.
- The process involves a Coordinated Service Plan (CSP) meeting, where the child's team, including the school, designated mental health agency, parent, and Department for Children and Families (DCF), discusses the child's needs, strengths, and weaknesses.
- If residential care is deemed necessary, the team can send a request to the state-level Case Review Committee, consisting of members from various departments, which meets weekly to review cases and approve placements for residential care. The committee, including representatives from the Department for Children and Families, Department of Mental Health, Department of Aging and Independent Living (Dale), Department of Education, and the Federation of Families, assesses whether kids meet the threshold for residential care and provides recommendations on suitable programs.

Member Q&A with Speakers

- A question pertaining to the restraint guidelines for facilities where children are not in state custody but are licensed by the Department for Children and Families (DCF) as Residential Treatment Programs (RTPs) was presented. The response highlighted that RTPs throughout Vermont, whether taking youth in DCF custody or referred through the Department of Mental

Health, follow the same regulations, including requirements for physical intervention if a child is about to cause significant harm, as well as notifying the family if a child runs away.

- Brandon Miller asked about Vermont's runaway problem, the size of facilities, and the authority to request a stop order. Trissie explained that most programs are relatively small, resembling houses, and are licensed for six, eight, or ten kids. The largest program, the Vermont Permanency Initiative and New England School for Girls, are licensed for 50 and 20 kids, respectively, on one campus.
- Programs have policies for notification when a child in DCF custody runs away, but information about kids not in DCF custody running away from residential programs comes through various sources (law enforcement, the Vermont Intelligence Center, or media reports). For example, wilderness programs in Vermont are not required to report runaway incidents unless a child is gone for more than three hours. Trissie acknowledged she may not have comprehensive knowledge of runaways from wilderness programs due to this reporting limitation. Trissie estimated receiving notifications of a child running away approximately once a month, but the intensity varies, and situations where a child is gone overnight or for multiple days are considered serious.
- The authority for physical intervention (the "stop") in Vermont is based on licensing regulations. Programs are expected to follow these regulations, and if they physically intervene in a manner consistent with clinical and supervisory decisions outlined in the regulations, they would not be in violation.
- The Specialized Services Unit in Vermont plays a role in coordinating with programs and provides explicit guidance on cases that warrant physical intervention. They communicate with programs before a youth enters the program to discuss the appropriateness of intervention in certain cases.
- The closure of Vermont's secure facility led to an increase in the use of stop orders. When the secure facility existed, there was no need for such orders as the facility itself was designed to prevent escapes.
- The interpretation of what constitutes an emergency can lead to disagreements between regulators and facilities in deciding when to physically intervene with youth. The regulations are purposefully vague to allow flexibility based on individual program needs, leading to subjective interpretations.
- The Vermont regulation states that restraint should only be used to ensure immediate safety when no less restrictive intervention is likely to be effective and should be a last resort. Chris emphasized the difficulty of creating specific guidelines for subjective situations.
- In Vermont, they are currently working on implementing the Family First Prevention Services Act (FFPSA) and designating facilities as Qualified Residential Treatment Programs (QRTPs). However, as of now, Vermont has not designated any facility as a QRTP. They do not have a Psychiatric Residential Treatment Facility (PRTF) in the state, but there are plans to build one. The closure of Woodside, the secure facility, has led to a higher percentage of youth being placed out of state, posing challenges for the system. The Department of Mental Health and other agencies send some youth out of state for private residential placements, especially when the complexity of needs exceeds the capacity of in-state services.
- In Vermont, there is a lack of Residential Treatment Programs (RTPs) for substance abuse, and youth requiring such treatment often have to go out of state. The community also struggles to

meet the complicated and complex needs of violent youth, and there is limited intensive outpatient treatment for substance abuse within the state. Some violent delinquent youth face difficulties finding appropriate programs due to their level of aggression and treatment needs. The state's Specialized Services Unit actively seeks and evaluates programs to meet the needs of youth when in-state resources are insufficient.

- When a youth repeatedly runs away, the response involves considering a higher level of care, potentially looking at a locked psychiatric treatment program (PRTF) in another state. There is a recognition of the challenge in finding suitable placements for chronic runners, especially when they have unsuccessful discharges from previous facilities.
- Vermont is facing challenges with placements, resulting in situations where kids are housed in various locations, including hospitals, police stations, and temporary rooms. Staffing is provided by the department, but the current arrangement is considered unsafe and not sustainable, leading to concerns about the well-being of both staff and the youth involved.
- Michelle Bradley and Brandon discussed challenges related to adolescents running away from residential programs in Colorado. Michelle shared concerns about kids labeled as chronic runners facing difficulties finding suitable placements. She highlighted instances where facilities gave short notice or refused to accept kids back after running incidents. Brandon added that finding placements for kids who exhibit violent behavior and have a history of running is challenging in Colorado due to limited facilities. They described situations where kids end up in hospitals or other temporary locations while awaiting placement. Michelle also mentioned the struggle with finding suitable placements for kids who have complex needs, especially in cases of substance abuse. Overall, they expressed concerns about the lack of secure facilities in Colorado, leading to safety risks and limited placement options for certain youth.
- Chris emphasized understanding what kids are running to (or from) and addressing those needs for healthier outcomes.
- There is a requirement for kids in DCF custody to have a post-run interview within seven days of their return, aiming to understand the reasons behind their actions. Chris expressed the belief that all kids, even those in residential programs, should have someone they trust talk to them after a runaway incident. Trissie highlighted the necessity of ongoing communication and continuous effort to talk to them and address the underlying issues that contribute to running away.
- Trace noted the group's interest and momentum regarding youth voice, suggesting a future discussion on how they incorporate and prioritize the perspectives of young people.

Discussion

Trace recently attended a meeting where the Colorado Department of Human Services (CDHS) listed the top 10 out-of-state facilities where they send kids, and expressed interest in knowing if these facilities are predominantly locked or secure in nature.

Someone mentioned a facility which has a significant amount of land. The concept being to allow kids to run within the facility's extensive grounds, tiring them out and making it difficult for them to escape.

The conversation also touched on the challenges of small programs, and the difficulty of sustaining such programs economically based on current funding models in Colorado. The preference for smaller, more personalized settings was acknowledged, but the financial feasibility remains a significant consideration.

CDHS is engaging in discussions to enhance the physical security of private behavioral treatment services (PBTS). The focus is on implementing delayed locks in certain facilities (Brandon noted that his facility has this feature on specific doors). There is a desire to align the task force's conversation with the state's initiatives, especially concerning PBTS. The discussion highlighted the need for more detailed information on policies and procedures related to security measures.

Becky Miller Updike is seeking information on the hard infrastructure used by facilities nationally, aside from purely locked doors. Alternatives such as electronic monitoring and delayed time doors were of interest to the group, considering both immediate needs and longer-term prevention planning.

Bryan shared two key resources on the Google Drive. The first is an 80-page document compiling Colorado statutes and regulations relevant to the discussions. This document provides a common resource for understanding the legal framework in the state. The second resource is a one-page summary of state policies from Kansas, Vermont, Wyoming and Texas, focusing on limited use of seclusion and restraint and runaway prevention training. Brian suggested task force members explore these resources, and if any state policies are of particular interest, he could reach out to find experts to provide more information.

Brandon raised concerns about contradictions in the statutes and regulations he reviewed, particularly regarding the definition of restraints. Stephanie explained that the 80 pages of statutes encompass different circumstances, covering restraint and seclusion for youth in various contexts, such as those adjudicated in the Division of Youth Services or held under the Behavioral Health Act. The CPO team is working on a presentation to clarify how the statutes relate to their specific circumstances. Regarding Volume Seven, Stephanie explained that rules committees are formed to operationalize laws passed in statute. While there should be correlation between statutes and rules, she acknowledged that inconsistencies may exist.

Task force members were encouraged to use the note catcher to capture their thoughts, identify what stands out, note any missing information, and pose questions for further discussion. The group was given approximately 15 minutes to review the materials and provide feedback.

Brandon mentioned that Vermont seems to have a coordinated approach, especially concerning high-risk runaway cases. It appears that when they identify a high-risk runner, the agency reaches out to the monitoring or licensing person to coordinate and assess whether interventions, such as stopping the child, would be acceptable without facing citations. Brandon also noted that Vermont uses assessment tools to align everyone on agreed-upon risk factors, particularly related to human trafficking, and suggested that having common risk factors for children would be a beneficial approach.

Renee Marquardt raised the question of what specific added allowances the stop order provides, and Stephanie expressed interest in understanding the practical implications of having a stop order. There seems to be a need for clarification on the details and practicalities of the stop order and how it enhances the facility's ability to address safety concerns promptly.

Brandon shared that Colorado does have placement agencies, and while the state has a system, it is more decentralized, operating at the county level. He acknowledged that there are calls and referrals from placement agencies, but it seems less coordinated than the centralized system in Vermont.

Stephanie highlighted the importance of involving parents in decision-making processes, emphasizing that parents know their children best. She expressed curiosity about the pre-admission tools and whether there is a systematic approach to assessing and addressing risk factors in advance. She also found Texas's runaway prevention curriculums for providers, staff, and foster parents particularly interesting. Stephanie mentioned that Vermont seems to be facing similar challenges as Colorado.

Renee shared insights about comprehensive assessments conducted by assessors who gather different perspectives from individuals working with the child.

Brandon highlighted the importance of understanding the "why" behind running incidents, emphasizing the significance of post-run assessments to prevent recurrence. He mentioned their partnership with the University of Southern Florida for a trauma-informed, in-depth interview to explore the reasons why children run, focusing on addressing those needs in a safer way.

Stephanie highlighted the challenge of finding a comprehensive solution, noting the absence of a single state with a definitive set of best practices. Stephanie emphasized the difficulty of extracting valuable insights from various articles and state practices, emphasizing the need for Colorado to innovate based on the available information.

Renee highlighted the benefits of examining other states' practices, and understanding the spectrum of interventions. Renee acknowledged that the conversation primarily focused on kids in congregate care settings, noting the differences in strategies applicable to foster homes.

Brandon emphasized the importance of individualized treatment plans, recognizing that each child's needs are unique. He expressed his belief that decisions regarding interventions, including responses to runaway situations, should involve input from the team, professionals, and the family who know the child best. Brandon highlighted a potential barrier, citing a reference in the statutes that restricts certain considerations from being guided by the treatment plan. He suggested that revisiting and lifting this restriction could lead to more tailored and effective interventions.

Ashley Chase expressed her struggle as an attorney with the perceived lack of process and the concern that youth in facilities might face restrictions and restraints that resemble those in detention facilities. She highlighted the challenge of finding a balance and understanding the impact of decisions on all children in these facilities, emphasizing the need to consider interventions carefully. Ashley acknowledged the complexity of the issue and the difficulty in navigating decisions that affect the well-being of youth in different settings.

Public Comment

Steve Fisher talked about his observation of the Tennyson Center and emphasized that there might be a misunderstanding regarding egress and the significance of fencing. He conducted research on building codes and believes that secure lot fencing is not inherently problematic and can prevent injuries and deaths among runaways. He expressed hope that implementing secure lot fencing could reduce restraints.

Pam Treloar, a provider, emphasized the importance of fluid and timely assessments for clients, acknowledging that clients' needs can change throughout their treatment. She highlighted the challenges of coordinating assessments with various agencies involved in a child's life and suggested the

need for more efficient and accurate processes. Pam shared insights from a recent conference focused on ending corporal punishment, seclusion, and restraint. She mentioned ongoing federal discussions and movements towards eliminating these practices. Additionally, Pam suggested considering a step system in Colorado, starting with emergency response plans and gradually working towards more integrated and effective practices in the long term.

The meeting concluded with gratitude for the participants' engagement and a reminder of the recorded group sessions and forthcoming meeting minutes and synthesis. The next meeting is scheduled for December, and the group will continue to work on addressing the challenging issue of child runaway interventions.