

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 24-1170

BY REPRESENTATIVE(S) Joseph and Ortiz, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Herod, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, Marvin, McCormick, Parenti, Rutinel, Story, Titone, Valdez, Velasco, Vigil, Weissman, McCluskie; also SENATOR(S) Gonzales and Michaelson Jenet, Exum, Buckner, Cutter, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Priola, Sullivan, Winter F.

CONCERNING THE ESTABLISHMENT OF A BILL OF RIGHTS FOR YOUTH IN FACILITIES OPERATED BY THE DIVISION OF YOUTH SERVICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The Colorado department of human services' division of youth services provides for the care and supervision of youth committed by a district court to the custody of the department of human services;

(b) The division of youth services operates 15 secure youth centers that serve youth between the ages of 10 and 21 who are pre-adjudicated or

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

committed;

(c) In addition to residential programming, the division of youth services administers juvenile parole services throughout Colorado;

(d) The division of youth services' mission is to protect, restore, and improve public safety utilizing a continuum of care that provides effective supervision, promotes accountability to victims and communities, and helps youth lead constructive lives through positive youth development;

(e) Even in youth detention facilities, there are ways to provide the treatment and support that youth need when their exposure to violence has manifested in antisocial and sometimes unsafe behaviors;

(f) During the 2022 fiscal year, the division of youth services screened approximately 3,402 youth for secure detention and served 622 youth in commitment; and

(g) The strategic plan for the division of youth services includes:

(I) Creating and nurturing a safe and trauma-responsive organizational culture;

(II) Creating and maintaining a highly skilled, engaged, and diverse workforce;

(III) Implementing interventions to reduce risk and improve youth outcomes; and

(IV) Ensuring that all division of youth services settings support physical safety and security.

(2) The general assembly therefore declares that it is in the best interests of the youth of Colorado to codify a bill of rights for youth in the care of the division of youth services, whether they are being detained or committed, to ensure these youth maintain certain rights regardless of who may be in any position of power or leadership within or over the division of youth services.

SECTION 2. In Colorado Revised Statutes, 19-2.5-1501, **amend**

(1)(b)(IV) and (1)(b)(V); and **add** (1)(b)(VI) as follows:

19-2.5-1501. Division of youth services - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - reports - definitions.

(1) (b) The purposes of the division are to:

(IV) Enable youth to develop healthy, supportive relationships with peers, adults, family, and members of their neighborhoods and communities; ~~and~~

(V) Provide youth with the tools necessary to become law-abiding, contributing members of the community upon their release; AND

(VI) ENSURE THAT THE STATE DEPARTMENT OF HUMAN SERVICES UPHOLDS THE RIGHTS ESTABLISHED PURSUANT TO SECTIONS 19-2.5-1502.5 AND 19-2.5-1511 FOR YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A FACILITY OPERATED BY THE STATE DEPARTMENT OF HUMAN SERVICES.

SECTION 3. In Colorado Revised Statutes, **add** 19-2.5-1502.5 as follows:

19-2.5-1502.5. Bill of rights for youth in a juvenile facility.

(1) TO REALIZE A VISION OF GREATER YOUTH SUCCESS AND SAFER COLORADO COMMUNITIES, THE STATE'S POLICY IS THAT A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A FACILITY, AS DESCRIBED IN SECTION 19-2.5-1502 (1), HAS THE RIGHT TO:

(a) BE TREATED WITH DIGNITY;

(b) BE FREE TO PRACTICE THE YOUTH'S RELIGIOUS FAITH, PROVIDED THAT THE PRACTICES OR ACTIVITIES DO NOT POSE A THREAT TO THE SAFETY, ORDER, OR SECURITY OF THE JUVENILE FACILITY;

(c) BE FREE FROM DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, SEX, PREGNANCY, DISABILITY, AGE, MARITAL STATUS, ETHNICITY, NATIONAL ORIGIN, GENDER ORIENTATION, OR SEXUAL IDENTITY;

(d) RECEIVE REASONABLE ACCOMMODATIONS RELATED TO A

DISABILITY;

(e) VOTE IF THE YOUTH HAS THE LEGAL RIGHT TO DO SO; AND

(f) BE FREE FROM CORPORAL PUNISHMENT; HARASSMENT; MENTAL OR PHYSICAL ABUSE; INTIMIDATION; PROPERTY DAMAGE; HUMILIATION; OR INTERFERENCE WITH THE NORMAL BODILY FUNCTIONS OF EATING, SLEEPING, OR USING THE BATHROOM.

(2) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A JUVENILE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES HAS THE RIGHT TO:

(a) HAVE REASONABLE ACCESS TO MEDIA AND INFORMATION ABOUT THE WORLD OUTSIDE THE FACILITY, BOTH LOCALLY AND NATIONALLY;

(b) REVIEW THE YOUTH'S OWN RECORD, AS ALLOWED BY LAW;

(c) HAVE REASONABLE ACCESS TO PHONE CALLS TO APPROVED FRIENDS, FAMILY, AND OTHER SUPPORTS;

(d) EXERCISE PHYSICALLY ON A DAILY BASIS, IN ACCORDANCE WITH THE YOUTH'S PREFERENCES, IF REASONABLE AND PRACTICABLE;

(e) BE INFORMED OF FACILITY RULES WITHIN TWENTY-FOUR HOURS AFTER THE YOUTH'S PLACEMENT IN THE FACILITY AND HAVE THE SAME RULES AVAILABLE ON THE DIVISION OF YOUTH SERVICES' WEBSITE, AT THE JUVENILE FACILITY, AND UPON REQUEST TO THE YOUTH'S PARENT OR LEGAL GUARDIAN;

(f) BE FREE FROM MANDATORY UNPAID WORK OUTSIDE OF BASIC YOUTH RESPONSIBILITIES SUCH AS DAILY CLEAN-UP AND MAINTENANCE OF LIVING AREAS; AND

(g) LIVE IN A TRAUMA-RESPONSIVE ENVIRONMENT INFORMED BY TRAUMA-INFORMED PRACTICES.

(3) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL

CUSTODY OF A JUVENILE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES HAS THE FOLLOWING RIGHTS RELATED TO MEDICAL CARE:

(a) ACCESS TO A HEALTH-CARE PROVIDER WITHIN SEVENTY-TWO HOURS AFTER A REQUEST FOR CARE, OR SOONER IF THE CIRCUMSTANCES WARRANT, TO ASSESS THE NEED FOR MEDICALLY NECESSARY CARE;

(b) ACCESS TO BEHAVIORAL HEALTH SERVICES WITHIN SEVENTY-TWO HOURS AFTER A REQUEST FOR CARE, OR SOONER IF THE CIRCUMSTANCES WARRANT, TO ASSESS THE NEED FOR MEDICALLY NECESSARY CARE;

(c) UNDER THE DIRECTION OF A DIVISION OF YOUTH SERVICES QUALIFIED HEALTH-CARE PROVIDER, ACCESS TO NECESSARY AND APPROPRIATE MEDICATIONS, INCLUDING MEDICATIONS FOR SUBSTANCE WITHDRAWAL AND MEDICATION-ASSISTED TREATMENT;

(d) THE RIGHT TO REFUSE THE ADMINISTRATION OF ANY PHARMACEUTICAL PRODUCT;

(e) ACCESS TO HEALTH CARE RELATED TO PREGNANCY AND REPRODUCTIVE HEALTH, INCLUDING PRENATAL, PERINATAL, AND POSTNATAL CARE;

(f) THE RIGHTS PROVIDED TO A PREGNANT OR POSTPARTUM JUVENILE PURSUANT TO SECTION 19-2.5-1118.5, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO ACCESS A PREGNANCY TEST AND KEEP THE RESULTS CONFIDENTIAL; THE RIGHT TO HAVE THE PREGNANCY AND POSTPARTUM PERIODS CONSIDERED IN SEEKING A STAY OF EXECUTION OF SENTENCE; AND A CONSIDERATION OF SENTENCE REDUCTION;

(g) FREEDOM FROM LEG AND WAIST RESTRAINTS WHILE PREGNANT AND IMMEDIATELY AFTER DELIVERY; AND

(h) ACCESS TO GENDER-AFFIRMING CARE.

(4) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A JUVENILE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES HAS THE FOLLOWING RIGHTS RELATED TO LEGAL ISSUES:

(a) ACCESS TO THE YOUTH'S LEGAL REPRESENTATIVE, UNENCUMBERED ACCESS TO COURTS, CONFIDENTIAL PHONE CALLS AND VISITS WITH THE YOUTH'S LEGAL COUNSEL, AND THE TIMELY DELIVERY OF LETTERS TO THE YOUTH'S LEGAL COUNSEL;

(b) UNIMPEDED PHONE ACCESS TO THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN HOTLINE AND THE AGENCY DESIGNATED PURSUANT TO THE FEDERAL "PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ACT", 42 U.S.C. SEC. 10801 ET SEQ., AS AMENDED, AS THE STATE'S PROTECTION AND ADVOCACY SYSTEM;

(c) THE RIGHT TO FILE A GRIEVANCE WITH STAFF OR A COMPLAINT WITH THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN OR THE AGENCY DESIGNATED PURSUANT TO THE FEDERAL "PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ACT", 42 U.S.C. SEC. 10801 ET SEQ., AS AMENDED, AS THE STATE'S PROTECTION AND ADVOCACY SYSTEM AND NOT TO BE SUBJECT TO PUNISHMENT OR RETALIATION AS A RESULT;

(d) THE RIGHT TO FILE A GRIEVANCE IN ACCORDANCE WITH THE DIVISION OF YOUTH SERVICES' POLICIES IF THE YOUTH FEELS ANY OF THE RIGHTS ACCORDED TO THE YOUTH PURSUANT TO THIS SECTION HAVE BEEN VIOLATED AND NOT TO BE SUBJECT TO PUNISHMENT OR RETALIATION AS A RESULT; AND

(e) THE RIGHT TO DUE PROCESS IN A DISCIPLINARY PROCEEDING.

(5) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A JUVENILE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES HAS THE FOLLOWING RIGHTS:

(a) TO NOT BE PLACED IN HOUSING UNITS SOLELY ALLOCATED TO GROUPS OF YOUTH BASED ON THE YOUTH'S SEXUAL ORIENTATION OR STATUS AS A TRANSGENDER, NON-BINARY, OR INTERSEX YOUTH;

(b) FREEDOM FROM SEARCHES THAT ARE INTENDED SOLELY TO DETERMINE THE YOUTH'S PHYSICAL ANATOMY;

(c) AFTER REVIEW AND APPROVAL, USE OF THE YOUTH'S PREFERRED NAME AND GENDER, EVEN IF NOT LEGALLY UPDATED;

(d) THE PROVISION OF CLOTHING THAT FITS APPROPRIATELY; IS IN ACCORDANCE WITH THE YOUTH'S GENDER IDENTITY; AND ENSURES THE YOUTH'S SAFETY, DIGNITY, AND COMFORT;

(e) FREEDOM OF EXPRESSION, PROVIDED THE EXPRESSION DOES NOT INTERFERE WITH THE RIGHTS OR SAFETY OF OTHERS OR THE SAFETY OF THE FACILITY;

(f) PERSONAL APPEARANCE OF THE YOUTH'S CHOOSING, INCLUDING FACIAL AND HEAD HAIR, REGARDLESS OF THE YOUTH'S GENDER OR GENDER IDENTITY, PROVIDED THAT IT DOES NOT INTERFERE WITH SAFETY AND ALLOWS FOR REASONABLE IDENTIFICATION BY STAFF;

(g) PARTICIPATION IN ALL ACTIVITIES, REGARDLESS OF THE YOUTH'S GENDER IDENTITY, UNLESS THE ACTIVITY IS A GENDER-RESPONSIVE PROGRAM AND THE FACILITY DIRECTOR DETERMINES THAT PARTICIPANTS OF DIFFERING GENDERS WOULD BE DISRUPTIVE TO THE GROUP;

(h) SEARCHES THAT TAKE INTO ACCOUNT THE YOUTH'S PRIVACY AND DIGNITY AND ACCESS TO WRITTEN POLICIES CONCERNING WHO MAY PERFORM SEARCHES AT ANY TIME, INCLUDING POLICIES ON CROSS-GENDER SEARCHES OF TRANSGENDER YOUTH;

(i) AFTER REVIEW AND APPROVAL, AN INTAKE AND SEARCH WITH AN EMPLOYEE MATCHING THE YOUTH'S GENDER IDENTITY;

(j) COMPLETION OF A FORM WITH THE YOUTH UPON INTAKE THAT DETAILS THE YOUTH'S GENDER IDENTITY;

(k) CONFIDENTIALITY CONCERNING THE YOUTH'S GENDER IDENTITY AND MEDICAL AND MENTAL HEALTH HISTORY, IN ACCORDANCE WITH EXISTING LAW; AND

(l) ACCESS TO SEPARATE SHOWERS AND BATHROOMS CONSISTENT WITH THE YOUTH'S GENDER IDENTITY.

(6) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF A JUVENILE FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES HAS THE FOLLOWING RIGHTS RELATED TO EDUCATION:

(a) ACCESS TO GRADE-LEVEL WORK AND TRANSFERABLE CREDIT FOR EDUCATIONAL COURSES THAT WILL COUNT TOWARD A DIPLOMA, WHETHER THE YOUTH IS FROM A FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES OR A PUBLIC SCHOOL;

(b) THE OPPORTUNITY TO TAKE CLASSES, TO THE EXTENT FEASIBLE, THAT PREPARE THE YOUTH FOR THE YOUTH'S DESIRED FUTURE, INCLUDING COURSES REQUIRED FOR COLLEGE ADMISSION, IF THAT IS THE YOUTH'S GOAL;

(c) IF THE YOUTH IS COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES AND HAS OBTAINED A GED OR A HIGH SCHOOL DIPLOMA, ACCESS TO POST-SECONDARY EDUCATION;

(d) THE FULL, FAIR, AND EQUAL OPPORTUNITY TO PARTICIPATE, TO THE EXTENT FEASIBLE, IN EDUCATIONAL AND VOCATIONAL PROGRAMS, INCLUDING A SCHOOL-TO-WORK ALLIANCE PROGRAM, IF ELIGIBLE. BEFORE THE DEPARTMENT OF HUMAN SERVICES MAY DENY A YOUTH THE RIGHT TO EDUCATIONAL OR VOCATIONAL SERVICES, THE DEPARTMENT OF HUMAN SERVICES SHALL PRESENT SUBSTANTIAL EVIDENCE TO JUSTIFY THE DENIAL OF THIS RIGHT.

(e) FOR A YOUTH WITH A DISABILITY RECOGNIZED BY SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED; THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED; OR COLORADO'S "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, ACCESS TO A FREE AND APPROPRIATE PUBLIC EDUCATION.

(7) THE DEPARTMENT OF HUMAN SERVICES SHALL UPDATE THE HANDBOOK USED BY THE DIVISION OF YOUTH SERVICES TO INCLUDE THE BILL OF RIGHTS SET FORTH IN SUBSECTIONS (1) THROUGH (6) OF THIS SECTION. THE DIVISION OF YOUTH SERVICES SHALL ENSURE THAT EVERY YOUTH WHO IS COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES RECEIVES A COPY OF THE HANDBOOK, INCLUDING THE BILL OF RIGHTS.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except

that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO