

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0355.01 Jane Ritter x4342

HOUSE BILL 24-1170

HOUSE SPONSORSHIP

Joseph and Ortiz,

SENATE SPONSORSHIP

Gonzales and Michaelson Jenet, Exum

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes in statute a bill of rights for youth who are the responsibility of the department of human services (department), whether the youth is detained or committed to the care and physical custody of a juvenile facility operated by the department.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-1501, **amend**
12 (1)(b)(IV) and (1)(b)(V); and **add** (1)(b)(VI) as follows:

13 **19-2.5-1501. Division of youth services - created - interagency**
14 **agreements - duties of administrators of facilities in connection with**
15 **voter registration and casting of ballots - reports - definitions.**

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

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

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

22 AND

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

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

3 **19-2.5-1502.5. Bill of rights for youth in a juvenile facility.**

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

8 (a) BE TREATED WITH DIGNITY;

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

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

15 (d) RECEIVE REASONABLE ACCOMMODATIONS RELATED TO A
16 DISABILITY;

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

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

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

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

1 NATIONALLY;

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

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

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

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

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

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

17 (3) IN ADDITION TO THE OTHER RIGHTS GRANTED PURSUANT TO
18 THIS SECTION, A YOUTH DETAINED OR COMMITTED TO THE CARE AND
19 PHYSICAL CUSTODY OF A JUVENILE FACILITY OPERATED BY THE
20 DEPARTMENT OF HUMAN SERVICES HAS THE FOLLOWING RIGHTS RELATED
21 TO MEDICAL CARE:

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

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

1 NECESSARY CARE;

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

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

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

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

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

19 (h) ACCESS TO GENDER-AFFIRMING CARE.

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

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

1 LETTERS TO THE YOUTH'S LEGAL COUNSEL;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) CONFIDENTIALITY CONCERNING THE YOUTH'S GENDER
27 IDENTITY AND MEDICAL AND MENTAL HEALTH HISTORY, IN ACCORDANCE

1 WITH EXISTING LAW; AND

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

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

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

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

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

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

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

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

14 **SECTION 4. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.