



COLORADO
Department of Human Services

Office of Civil and Forensic Mental Health

Fiscal Year 2026 - 2027

Joint Budget Committee Hearing
April 22, 2026

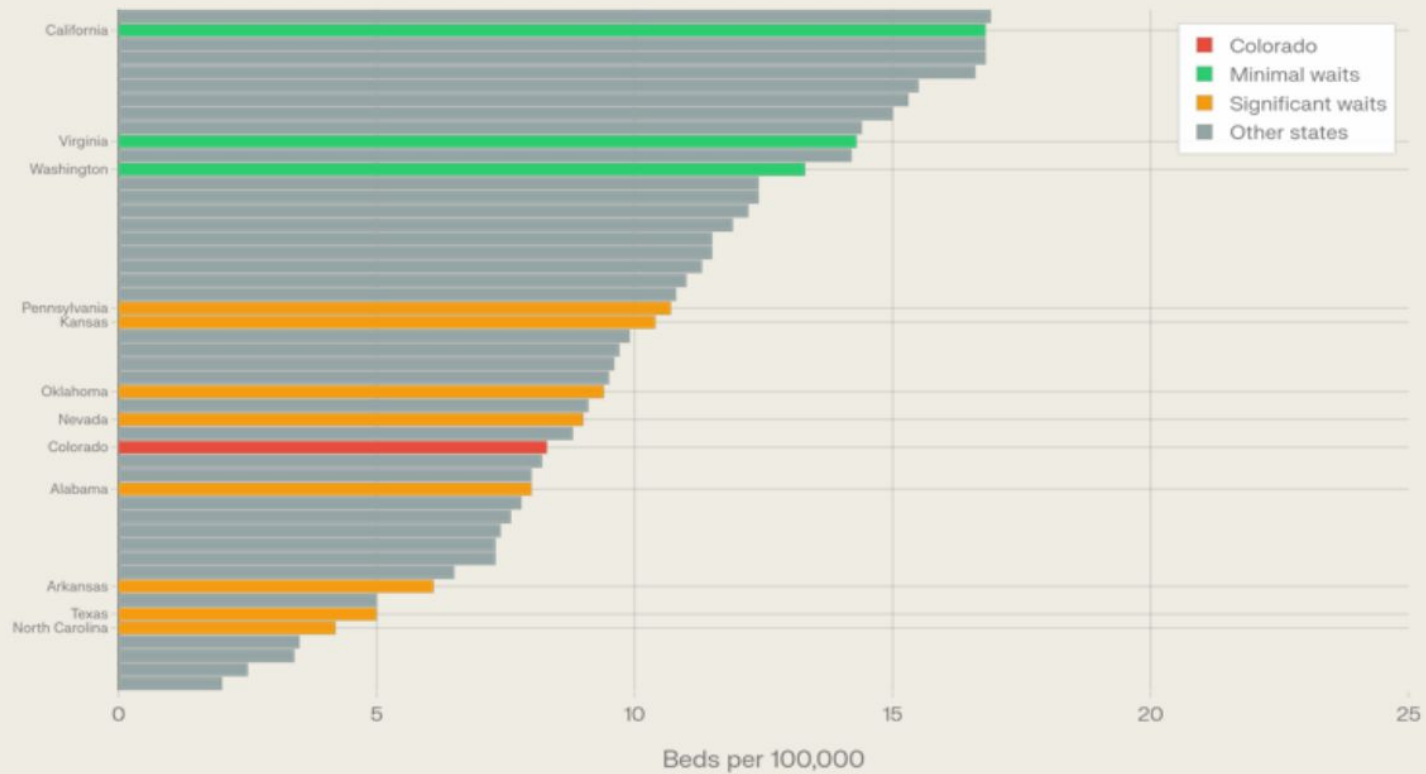


Why this large investment? Why now?

- CDHS is in **active litigation** with the plaintiffs in the consent decree case, as the agreement expires in 2027.
- If the state fails to comply with the consent decree, the current cap in fines of \$12 million (adjusted annually for inflation) could disappear, **opening the door for an unrestricted amount of fines** to be paid by the state.
- **This budget request is a direct response to evidence shown by** the Special Masters assigned to oversee the Consent Decree - beds make a difference.

State Psychiatric Hospital Beds per 100,000 (Becker Data)

Green = minimal waits; Gold = significant waits; Red = Colorado (focus)



Investments Are Making A Difference

“

We conclude that increasing inpatient bed capacity has the greatest and most direct influence on the waitlist.

- Special Masters' Quarterly Report to the Court, March 2026

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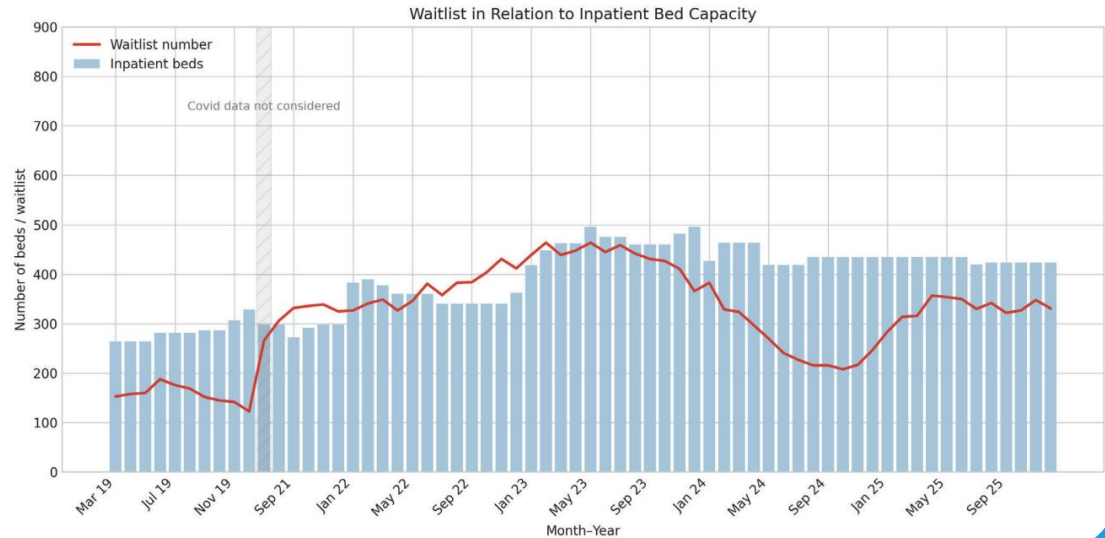
Inpatient Beds Make a Difference

“Considering the waitlist alongside inpatient bed capacity **strongly suggests that adding inpatient bed capacity reduced the waitlist**, particularly though late 2023 and most of 2024.”

- Special Masters’ Quarterly Report to the Court, March 2026

Figure 5:

Increasing Inpatient Bed Capacity Appears to Reduce the Waitlist for Restoration

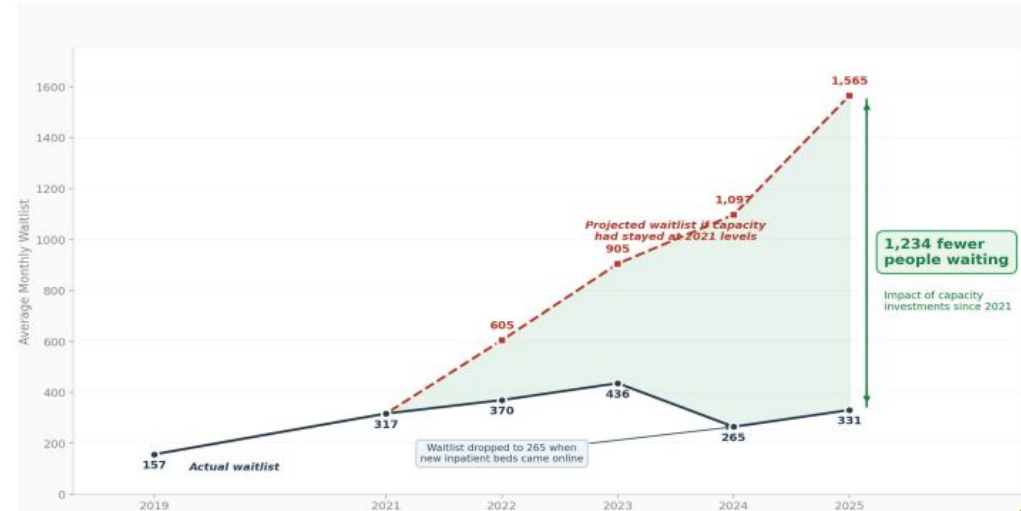


What if Colorado doesn't invest in bed capacity?

The Special Masters modeled a scenario in which inpatient bed capacity remained unchanged since 2021.

In this scenario, the waitlist would have grown to **over 1,500 people on the competency waitlist** in 2025.

Figure 8:
If Bed Capacity Remained at 2021 Levels, Rather than Increasing: A Counter-factual Illustration



Source: Special Masters' Quarterly Report to the Court, March 2026

Trueblood et al v. Washington State DSHS

- In 2014, the state of Washington was sued for reasons similar to those in Colorado - a failure to admit incompetent patients into treatment in a timely manner. The case is ongoing.
- Washington has faced multiple fines and sanctions for failure to comply - resulting in a **total of \$400 million in fines issued by the court**, and just over \$100 million paid by Washington to-date.



BA-08: New Competency Beds

Component	New Competency and Civil Diversion Beds	Civil Offset Beds
Jail-Based Restoration	16	0
Contracted Private Restoration Beds	27	0
CDHS R-04 Request	5	0
Repurpose L2	22	24
Civil Beds for Diversion	24	0
Totals	94	24

Civil Diversion

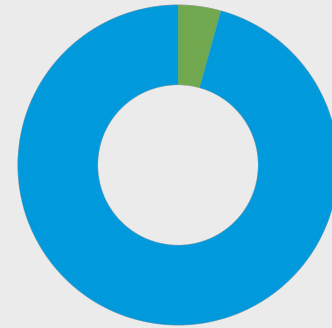
- CDHS hopes to use contracted civil beds to increase utilization of the tools in HB23-1138 and move individuals out of the competency system without waiting in jail for a competency bed.
- CDHS intends to dedicate clinical resources to focus on reviews of the competency evaluations and the individuals on the waitlist to divert into civil beds when deemed appropriate.

Individuals Unlikely to be Restored

Permanently Incompetent to Proceed (PITP):

Individuals who have been deemed unlikely to be restored to competency in the foreseeable future by competency evaluators.

80 out of 1,852 current ITP patients are PITP, which represents 4.32% of our population.



Thank you!
Questions?

