

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-1)
CDHS Tracking #: 17-06-16-01
Office, Division, & Program: OCYF, DCW Phone: 303.866.2866
Rule Author: Paige Rosemond E-Mail: paige.rosemond@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule.

To be in compliance with legislation passed during the 2017 legislative session, the name of "Division of Youth Corrections" needs to be changed to "Division of Youth Services."

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.
19-2-203(1)(a), C.R.S. (2017)	Division of Youth Corrections name changed by statute to Division of Youth Services.

Does the rule incorporate material by reference? Yes No
Does this rule repeat language found in statute? Yes No

If yes, please explain.

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-1)
CDHS Tracking #: 17-06-16-01
Office, Division, & Program: OCYF, DCW **Phone:** 303.866.2866
Rule Author: Paige Rosemond **E-Mail:** paige.rosemond@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

County Departments of Human/Social Services

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The changes are strictly technical and change the name for the Division of Youth Corrections to the Division of Youth Services. Therefore, it will not have an impact on County Departments of Human/Social Services.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The technical name change may have some fiscal impact to the Department to rebrand any marketing materials, but this impact will not be to the Division of Child Welfare.

County Fiscal Impact

There is no fiscal impact to county departments as these changes only impact the State's rebranding process.

Federal Fiscal Impact

There is no fiscal impact to the federal government as these changes only impact State level practice.

Other Fiscal Impact (such as providers, local governments, etc.)

NA

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

This name change was a result of legislative efforts to better reflect a continuum of services provided through, what was formally known as, the Division of Youth Corrections.

5. Alternatives to this Rule-making

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. **Answer should NEVER be just "no alternative" answer should include "no alternative because..."***

Alternatives to this effort were discussed in the stakeholder and legislative committee meetings during the legislative process.

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-1)
CDHS Tracking #: 17-06-16-01
Office, Division, & Program: OCYF, DCW Phone: 303.866.2866
Rule Author: Paige Rosemond E-Mail: paige.rosemond@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

New
 Revision
 Technical Change
 Repeal

Rule section and Page #	Type of Change/Modification	Old Language	New Language or Response	Reason/Example/Best Practice	Public Comment None/Detail
7.000.2	Revision	“Reasonable and prudent parent standard” means careful and sensible parental decisions that maintain the health, safety, and best interests of the child or youth while encouraging the emotional and developmental growth of the child or youth that a provider shall use when determining whether to allow a child or youth in foster care under the responsibility of the county or in non-secure residential settings under the responsibility of the Division of Youth Corrections (DYC) to participate in extracurricular, enrichment, cultural, and social activities based upon the criteria in Section 7.701.200 (12 CCR 2509-8).	“Reasonable and prudent parent standard” means careful and sensible parental decisions that maintain the health, safety, and best interests of the child or youth while encouraging the emotional and developmental growth of the child or youth that a provider shall use when determining whether to allow a child or youth in foster care under the responsibility of the county or in non-secure residential settings under the responsibility of the Division of Youth Corrections (DYC) SERVICES (DYS) to participate in extracurricular, enrichment, cultural, and social activities based upon the criteria in Section 7.701.200 (12 CCR 2509-8).	HB 17-1329 requires the modification to the name of DYC to DYS.	Yes, the public was included in stakeholder and legislative committee meetings during the legislative process.

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-1)

CDHS Tracking #: 17-06-16-01

Office, Division, & Program: OCYF, DCW

Phone: 303.866.2866

Rule Author: Paige Rosemond

E-Mail: paige.rosemond@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

CDHS Legislative Liaison, DYC, DCW, Prime Sponsors – Representatives Pete Lee and Lois Landgraf and Senators Don Coram and Daniel Kagan, House Judiciary Committee, House Appropriations Committee, Senate State, Veterans, & Military Affairs Committee, and Senate Appropriations Committee.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

CDHS Policy Advisory Committee (PAC), Child Welfare Sub PAC, County Departments of Human/Social Services

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Child Welfare		
Date presented	6/8/17		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>

If not presented, explain why.

PAC

Have these rules been approved by PAC?

Yes No

Date presented	6/8/17		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>

If not presented, explain why.

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

7.000.2 DEFINITIONS [Rev. eff. 1/1/16]

A: The following are definitions of commonly used terms used in these rules:

“Abuse” or “child abuse and/or neglect” is defined in Section 19-1-103(1) and 19-3-102(1), C.R.S.

“Actual knowledge” means direct and clear awareness of something, such as a fact or condition.

“Age or developmentally appropriate” means”

1. Generally considered as suitable for children and youth of the same chronological age or level of maturity, or that are determined to be developmentally appropriate based upon the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and,
2. In the case of a specific child or youth, suitable for the child or youth based on the developmental stages attained, and with respect to the cognitive, emotional, physical, and behavioral capacities of the child or youth.

“Agency response” means the protocol prescribed by the state and county departments that guides practice pertaining to the protection of children in the dual-track response system.

“Application” means an action by a person or an authorized representative who indicates verbally or in writing to the county department a desire to receive human/social services.

“Assessment” means the work conducted by a case worker to engage the family and the community to gather information to identify the safety, risks, needs and strengths of a child, youth, family, and community to determine the actions needed. “Assessment” and “investigation,” as used in Sections 19-3-308 - 19-3-308.5, C.R.S., are interchangeable in these rules.

“Authorized caregiver” means an individual or agency who is authorized by a parent, guardian or custodian to provide care to a child and who agrees to provide such care. The authorization may be temporary and need not be in writing unless otherwise required by law.

“Background check” means a set of required records that are obtained and analyzed to determine whether the history of a prospective foster parent, kinship foster parent, or non-certified kin meets legal and safety criteria when considering the placement or continued placement of children and youth in the care of the person(s). The checks include all adults residing in the home. The following individual checks are required pursuant to Sections 19-3-406, 19-3-407, and 26-6-106.3, C.R.S.:

1. CBI and FBI fingerprint-based criminal history record information checks;
2. State Judicial Department court case management system checks;
3. State automated case management system and child abuse and/or neglect registry checks in all states that adults living in the home have resided in the five years preceding the date of application; and,
4. The CBI sex offender registry checks and national sex offender public website, publicly operated by the United States Department of Justice using the following minimum criteria:
 - a. Known names and addresses of each adult residing in the home; and,
 - b. Address only of the residence.

“Caregiver” means a child's parent, stepparent, guardian, legal custodian, relative, or any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising care over the child. It also includes the spousal equivalent or domestic partner of a parent or legal guardian. A “caregiver” shall not include a person who is regularly in the child's home for the purpose of rendering care for the child if such person is paid for rendering care and is not related to the child.

“Certificate” means a legal document granting permission to operate a foster care home or a kinship foster care home.

“Child” means any person from birth to eighteen (18) years of age.

“Child Abuse and Neglect Reporting Hotline System” or “the hotline system” is the telephone system that:

1. Routes calls that are received through the toll-free, statewide child abuse and neglect hotline or county dedicated child abuse and neglect reporting telephone lines to the applicable entity responsible for accepting a report of child abuse and/or neglect, or the applicable entity responsible for responding to an inquiry;
2. Records calls; and,
3. Captures call data including but not limited to call volume, average call wait time, and average call duration.

“Child Care Service” means care of a child under the age of thirteen (13) years for a portion of a day, but less than twenty-four (24) hours. These services may be provided in the child's own home by a person other than the parent or the primary caregiver in a relative home, an exempt day care home, in a licensed or certified day care home, or licensed group day care facility. Older children who need protection or have a special need may be approved for service by the county department.

“Child in need of services” includes a child who receives services regardless of whether the services are court ordered, county provided or voluntarily arranged by the family, or a child who needs services even if the services are not provided.

“Child's vulnerability” refers to circumstances that place a child at a greater risk for abuse and/or neglect such as being six years of age or younger or having limited capacity to self-protect or provide self-care due to physical, emotional, and/or cognitive limitations.

“Child Welfare Child Care” means child care assistance used to maintain children in their own homes or in the least restrictive out-of-home care when there are no other child care options available. This care is less than twenty-four (24) hours daily. See section 7.302, “Child Welfare Child Care” (12 CCR 2509-4).

“Child Welfare Services” are the services and payments for services (other than medical services covered by the “Colorado Medical Assistance Act”) available, directly or indirectly, through the state and county departments for the benefit of eligible persons pursuant to rules adopted by the State Department or State Board of Human Services.

“Client” means any person applying for or receiving child welfare services from a county department.

“Colorado Safety Assessment Tool” means the tool in the State automated case management system that guides a case worker through a safety assessment process.

“Concurrent planning” means the simultaneous preparation of plans to:

- 1) Assist the child's parents or caregivers in completing a treatment plan that, when completed successfully will allow the child to return home safely; and,
- 2) Place the child in a setting that will become the child's permanent home if the parents or caregivers are unable to successfully complete their treatment plan.

“Continuously available” means the assignment of a person to be near an operable telephone, pager system, cellular telephone, or to have such arrangements made through agreements with the local law enforcement agencies.

“Convicted”, for the purposes of the criminal history record information check, means a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court, or having received a disposition as a juvenile or having been adjudicated a juvenile delinquent based on the commission of any act that constitutes sexual assault, as defined in subsection (96.5) of section 19-1-103, C.R.S.

“County Department” means a county department of human or social services or, if applicable, the county agency responsible for providing child welfare services as defined by Section 26-5-101(3), C.R.S.

“De novo” means that when an issue is reviewed, affording no deference to the original decision.

“Dedicated Child Abuse and Neglect Reporting Telephone Line” is a county department telephone number that is used to receive calls related to child abuse and/or neglect. Calls to county departments’ dedicated child abuse and neglect reporting telephone lines will be routed through the statewide hotline system for recording and data collection purposes and routed to the county departments’ hotline workers.

“Delinquent act” means a violation of any statute, ordinance, or order enumerated in Section 19-2-104(1) (a), C.R.S. If a juvenile is alleged to have committed or is found guilty of a delinquent act, the classification and degree of the offense shall be determined by the statute, ordinance, or order that the petition in delinquency alleges was violated.

“Differential Response” is a dual-track response system for referrals that meet the criteria for assignment. The two response options are the High Risk Assessment (HRA) and the Family Assessment Response (FAR).

“Disqualifying factor” for the purpose of completing background checks for non-certified kinship care, kinship foster homes, and foster homes, means information that precludes safe placement of a child and/or youth by a county department of human or social services or a child placement agency into a prospective home. Factors include, but are not limited to:

1. A criminal conviction that is prohibited;
2. Confirmed child abuse and/or neglect in the state automated case management system or another state’s child abuse and neglect registry, and following a review of the information, it is determined that the placement is unsafe;
3. Identification of the person(s) or an adult residing in the home on the Colorado Bureau of Investigation (CBI) sex offender registry or the national sex offender public website operated by the United States Department of Justice (excluding youth in the custody of the county department of human or social services); and,
4. Convictions and dispositions in the court case management system that are similar to CBI findings.

“Domestic partner” means a person who is in a family-type living arrangement with a parent and who would be a stepparent if married to that parent. “Domestic partner” and “spousal equivalent” are interchangeable in these rules.

“Domestic violence” means the commission or threatened commission of violence, including coercion, control, punishment, intimidation or revenge upon a person by a person with whom there is or was an intimate relationship.

“Egregious incident of abuse and/or neglect” means an incident of suspected abuse and/or neglect involving significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance.

“Egregious neglect”, for the purpose of determining severity level, is when the physical or emotional needs of the child are not met and involves significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance.

“Egregious physical abuse”, for the purpose of determining severity level, is physical abuse involving significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance.

“Emancipation from foster care” occurs when a youth reaches eighteen (18) years of age and is no longer under the jurisdiction of the court or is married or enters military service.

“Emancipation Transition Plan” means a personalized youth-driven written document that supports emancipation from foster care and is intended to prevent the youth from becoming homeless.

“Emotional abuse” means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development as a result of the action or inaction of the alleged person responsible for abuse and/or neglect.

“Environment injurious to the welfare of a child” is when the environment caused injuries to the welfare of the child or reasonably could be foreseen as threatening to the welfare of the child and is in control of the parent, guardian, custodian or authorized caregiver.

“Expunge” is to designate a report or record as not having existed for the purpose of employment and background screening. However, a founded finding of abuse and/or neglect that is later expunged shall not preclude the county department from maintaining records of the report in the case file or in the state automated case management system for purposes of future safety and risk assessments.

“Facility” includes, but is not limited to: family child care homes, foster care homes, and any other facility subject to the Colorado “Child Care Licensing Act” and described in Section 26-6-102, C.R.S.

“Fair Hearing” means any procedure by which an Administrative Law Judge reviews facts in relation to an adverse action taken by a county department pursuant to Section 3.850 of the Department of Human Services’ Income Maintenance rules (9 CCR 2503-8).

“Family” means parents, adults fulfilling a parental role, guardians, children, and others individuals related by ancestry, adoption, or marriage or as defined by the family.

“Family Assessment Response (FAR)” means the differential response track established for low and moderate risk situations where no finding of abuse and/or neglect is made.

“Family search and engagement” means the diligent and timely good faith effort to locate and contact any noncustodial parent, all grandparent(s), other adult relatives, and the parent of a

sibling of a child/youth who has been removed from their legal custodian's home. Family search and engagement shall extend beyond the United States, its territories, or Puerto Rico, as appropriate.

"Fatal neglect," for the purpose of determining severity level, is when the physical or medical needs of the child are not met resulting in death.

"Fatal physical abuse," for the purpose of determining severity level, means excessive or inappropriate force used resulting in a child's death.

"Finding" means the determination about whether an incident of abuse and/or neglect occurred.

"Foster care" means the placement of a child into the legal custody or legal authority of a county department for physical placement of the child in foster family care homes, certified and non-certified kinship family care homes, or licensed facility.

"Foster care home" means a home that is certified by a county department of human or social services, or licensed child placement agency, pursuant to Section 26-6-106.3, C.R.S., for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour foster care for a child and/or youth under the age of twenty-one years. A foster care home may include foster care for a child and/or youth who is unrelated to the head of the home or foster care provided through a kinship foster care home, but does not include non-certified kinship care defined in Section 19-1-103(78.7), C.R.S.

The term includes any foster care home receiving a child and/or youth for regular twenty-four (24) hour care and any home receiving a child and/or youth from any state-operated institution for child care or from any child placement agency. Foster care home also includes those homes licensed by the Colorado Department of Human Services pursuant to Section 26-6-104, C.R.S., that receive neither moneys from the counties, nor children and/or youth placed by the counties.

"Founded" means that the abuse and/or neglect assessment established by a preponderance of the evidence that an incident(s) of abuse and/or neglect occurred. "Founded" can also be utilized in a referral when there is a law enforcement fatality investigation with no surviving child sibling, or a law enforcement investigation of a third party incident of abuse and/or neglect. "Founded" and "confirmed," as used in sections 19-3-308 - 308.5, C.R.S., are interchangeable in these rules.

"Framework" is a method for organizing and analyzing information as it pertains to child safety.

"Good cause" to modify the process would be limited to emergency conditions or circumstances beyond the control of the party seeking the modification such as, but not limited to, impossibility for a party to meet a specified deadline, incapacity of the party or representative, lack of proper notice of the availability of the appeal process, additional time required to obtain documents which were timely requested but not delivered, or other situations which would prevent a reasonable person from meeting a deadline or complying with the process without modification.

"Gray Area" is a heading included in the RED Team framework. This section captures any information, questions or areas needing further exploration. This may include risk factors that require some type of follow up to determine their validity and impact on the child(ren). Information captured in the "Gray Area" section may be routinely reviewed by child welfare staff to determine trends, or potential areas needing further discussion and /or elaboration when gathering information from reporters.

"High Risk Assessment (HRA)" means the differential response track established for high risk situations where the alleged victim child(ren) are identified and a finding of abuse and/or neglect is made.

“Hotline County Connection Center” is an entity contracted by the State Department to route calls to county departments, and at county departments’ request subject to the approval of the State Department’s Executive Director, receive reports and inquiries on their behalf.

“Household” is defined as:

1. One or more adult(s) and child(ren), if any, related by blood, or law, residing together.
2. Where adults, other than spouses, domestic partners, or spousal equivalent reside together, each is considered a separate household. Emancipated minors and children living under the care of individuals not legally responsible for that care are also considered separate households.
3. When determining monthly gross income in establishing a foster care fee, a stepparent, who is not legally responsible for a child, is not considered a member of the household. Stepchildren for whom the custodial parent(s) are not legally responsible are not considered part of the household in establishing a foster care fee.

“Impending danger” means a threat(s) to child safety not occurring at present but likely to occur in the near future and likely to result in moderate to severe harm to a child.

“Inconclusive” means that the abuse and/or neglect assessment established that there was some likelihood that an incident(s) of abuse and/or neglect occurred but assessment could not obtain the evidence necessary to make a founded finding.

“Independent Living Arrangement (I.L.A.)” means a placement in foster care where a youth lives independently in the community under the supervision of the county department. Receiving funds is not a necessary condition for a youth to be in an I.L.A. Youth shall receive casework services on I.L.A. with or without receipt of the I.L.A. stipend.

“Independent Living Assessment” means an evaluation of the youth’s daily living skills. This assessment will document the youth’s strengths and needs, as well as capacity and motivation to learn the appropriate skills.

“Independent Living Plan (I.L.P.)” means part of the Family Services Plan that includes those services designed to promote or enhance a youth’s capacity to make a successful transition from out-of-home care to living independently and maintaining self-sufficiency.

“Inquiry” means a request for information or for specific services.

“Intrafamilial abuse and/or neglect” means any case of abuse and/or neglect, as defined in Sections 19-1-103(1) and 19-3-102(1) and (2), C.R.S., that occurs within a family or non-certified kinship care context by a caregiver; except that “intrafamilial abuse” shall not include abuse and/or neglect by a person who is regularly in the child’s home for the purpose of rendering care for the child if such person is paid for rendering care and is not related to the child.

“Institutional abuse” means any case of abuse and/or neglect that occurs in any public or private facility in the state that provides out of the home care for children. Institutional abuse shall not include abuse and/or neglect that occur in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides licensed child care before and/or after school, abuse that occurs while such services are provided shall be institutional abuse.

“Juvenile” means any person between ten (10) and twenty-one (21) years of age.

“Kin” for purposes of a kinship foster care home or non-certified kinship care home, means a relative of the child and/or youth, a person ascribed by the family as having a family-like relationship with the child and/or youth, or a person that has a prior significant relationship with the child and/or youth. These relationships take into account cultural values and continuity of significant relationships with the child and/or youth.

“Kinship foster care home” means a foster care home that is certified by either a county department or a licensed child placement agency pursuant to Section 26-6-106.3, C.R.S., as having met the foster care certification requirements and the foster care of the child and/or youth is provided by kin.

Kinship foster care providers are eligible for foster care reimbursement. A kinship foster care home provides twenty-four (24) hour foster care for a child and/or youth under twenty-one (21) years of age.

A “known” incident of abuse and/or neglect exists when a child has been observed being subjected to circumstances or conditions that would reasonably result in abuse and/or neglect.

“Local educational agency” means the local public school district, charter institute, Colorado school for the deaf and the blind, and/or board of cooperative education services (BOCES). Individual schools are part of their respective LEAs; for purposes of these regulations, communication with school-level staff is sufficient to satisfy requirements to communicate with the LEA.

“Mandatory reporter” means a person required by Section 19-3-304, C.R.S., to report suspected abuse and/or neglect.

“Minor neglect,” for the purposes of determining severity level, is when the physical or emotional needs of the child are marginally or inconsistently met, but there is little or no impact on the child's functioning.

“Minor physical abuse,” for the purposes of determining severity level, is excessive or inappropriate force used resulting in a superficial injury.

“Missing” means a child who is in the legal custody of the county department of human or social services and has been reported to the county department of human or social services as absent from out-of home placement and the child's whereabouts are unknown by the county department of human or social services. “Moderate neglect,” for the purpose of determining severity level, is when the physical or emotional needs of the child are inadequately met resulting in some impairment in the child's functioning.

“Moderate physical abuse,” for the purposes of determining severity level, is excessive or inappropriate force used resulting in an injury that may require medical attention.

“Moderate to severe harm” means the consequence of maltreatment at a level consistent with a moderate, severe or fatal level of physical abuse, sexual abuse and/or neglect.

“Near fatal neglect”, for the purpose of determining severity level, is when the physical or emotional needs of the child are not met in an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.

“Near fatal physical abuse”, for the purpose of determining severity level, involves an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.

“Near fatality” means a case in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.

“Non-certified kinship care” means a child and/or youth is being cared for by a relative or kin, who has a significant relationship with the child and/or youth, in circumstances when there is a safety concern by a county department in the home of the parent or legal guardian and the relative or kin has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue certification.

“Pattern of misdemeanors” for the purposes of the criminal history record information check shall be defined as:

- A) Three (3) or more convictions of 3rd degree assault as described in section 18-3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3(1), C.R.S. ; OR,
- B) Five (5) misdemeanor convictions of any type, with at least two (2) convictions of 3rd degree assault as described in Section 18- 3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3(1), C.R.S.; or,
- C) Seven (7) misdemeanor convictions of any type.

“Personal Contact” is a method of contact in which two people exchange information in person or through live communication either via telephone or other emerging communications technology.

“Potential disqualifying factor” for the purpose of completing a background check for non-certified kinship care and kinship foster care homes, means information that may preclude the placement of a child and/or youth by a county department of human or social services or a child placement agency into a prospective home. Factors include, but are not limited to:

- 1. A criminal conviction that may be prohibited;
- 2. Confirmed child abuse and/or neglect in the state automated case management system or another state’s child abuse and neglect registry, and following a review of the information, it is determined that any safety concerns can be mitigated;
- 3. The court orders and affirms the placement of the child or youth with kin; or,
- 4. Additional documented information that was acquired that raises concern about safety in the home.

“Preponderance of evidence” means credible evidence that a claim is more likely true than not.

“Present danger” means an immediate, significant, and clearly observable threat to child safety that is actively occurring and will likely result in moderate to severe harm to a child.

“Primary caregiver” means the caregiver who assumes the most responsibility for care of the child.

“Provider” means a vendor of goods and/or services under the child welfare services program.

“Purchased services” are those services made available to clients through another public agency, a private agency, or a private individual under contract with the state or county department.

“Reasonable and prudent parent standard” means careful and sensible parental decisions that maintain the health, safety, and best interests of the child or youth while encouraging the emotional and developmental growth of the child or youth that a provider shall use when determining whether to allow a child or youth in foster care under the responsibility of the county or in non-secure residential settings under the responsibility of the Division of Youth ~~Corrections~~ (DYC) SERVICES (DYS) to participate in extracurricular, enrichment, cultural, and social activities based upon the criteria in Section 7.701.200 (12 CCR 2509-8).
