

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-3)
CDHS Tracking #: 17-06-16-02
Office, Division, & Program: OCYF, DCW Phone: 303.866.2866
Rule Author: Paige Rosemond E-Mail: paige.rosemond@state.co.us

RULEMAKING PACKET

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be in compliance with legislation passed during the 2017 legislative session, Child Protection Teams rule needs to be repealed. Therefore, the numbering of the section changed. The proposed change in this rule packet modifies a reference to the changed numbering in rule.

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.
19-3-308, C.R.S. (2017)	Makes child protection teams optional.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

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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?

County Departments of Human/Social Services may have to change any existing literature that references the rule in question as the numbering is being changed.

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)

In regards to the change in numbering, there is no fiscal impact to the State.

County Fiscal Impact

The impact of changing the numbering of this section in rule will be minimal to a county department of human/social services as updates to documents can be made electronically.

Federal Fiscal Impact

There is not 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?

The Office of the State Auditors' (OSA) 2014 Child Welfare Performance Audit helped to inform the statutory change to make Child Protection Teams optional as opposed to mandatory.

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..."***

There is no alternative because the repeal of another rule modifies the numbering. It is important to ensure the rule reference is accurate and directs the reader to the appropriate rule.

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OVERVIEW OF PROPOSED RULE

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

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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
7.200.15	Revision	An initial assessment by the county department of social services staff shall include: A. The appropriateness of referral; B. Determining if the case is open in the agency; C. Awareness of agency and community resources and their current availability; D. Initial assessment of problem and service needs; E. Determining if another agency can better serve the client; F. Information about risk factors that can be used in making decisions about urgency of service delivery; and, G. Determining whether an emergency exists that meets the emergency assistance criteria in accordance with Section 7.601.83 (12 CCR 2509-7).	An initial assessment by the county department of social services staff shall include: A. The appropriateness of referral; B. Determining if the case is open in the agency; C. Awareness of agency and community resources and their current availability; D. Initial assessment of problem and service needs; E. Determining if another agency can better serve the client; F. Information about risk factors that can be used in making decisions about urgency of service delivery; and, G. Determining whether an emergency exists that meets the emergency assistance criteria in accordance with Section 7.601.873 (12 CCR 2509-7).		

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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 – Senators Cheri Jahn and Tim Neville, and Representatives Tracy Kraft-Tharp and Dan Nordberg, Senate Health & Human Services Committee, and House Public Health Care & Human Services Committee, 2015 Legislative Committee, Child Protection Task Group, Sub PAC, PAC, CDHS Community Partner Announcement to 4000 stakeholders, Ombudsman’s Office, Rocky Mountain Children’s Law Center, multiple webinars

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

(12 CCR 2509-3)

7.200.15 Initial Functional Assessment [Eff. 1/1/15]

An initial assessment by the county department of social services staff shall include:

- A. The appropriateness of referral;
- B. Determining if the case is open in the agency;
- C. Awareness of agency and community resources and their current availability;
- D. Initial assessment of problem and service needs;
- E. Determining if another agency can better serve the client;
- F. Information about risk factors that can be used in making decisions about urgency of service delivery; and,
- G. Determining whether an emergency exists that meets the emergency assistance criteria in accordance with Section 7.601.873 (12 CCR 2509-7).
