

Title of Proposed Rule: Changes to Rule as a Result of 2017 Legislation (12 CCR 2509-4)
CDHS Tracking #: 17-06-16-04
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." In addition, legislation now allows for a third party vendor approved by the Colorado Bureau of Investigation to complete fingerprinting.

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)	Name of Division of Youth Corrections changed by statute to Division of Youth Services.
19-3-407, C.R.S. (2017)	Requirement for background checks as it relates to noncertified kinship allows for third party vendors to complete fingerprinting.

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?

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

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

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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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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
7.303.32	Revision	B. The MOU shall be between interested county departments of human/social services and local representatives of each of the following agencies: 1. The local judicial district(s), including probation services; 2. The health department, whether a county, district, or regional health department; 3. The local school district(s); 4. Each community mental health center; 5. Each Behavioral Health Organization (BHO); 6. The Division of Youth Corrections; 7. A managed service organization for the provision of treatment of services for alcohol and drug abuse; and, 8. A community domestic abuse program, if representation is available.	B. The MOU shall be between interested county departments of human/social services and local representatives of each of the following agencies: 1. The local judicial district(s), including probation services; 2. The health department, whether a county, district, or regional health department; 3. The local school district(s); 4. Each community mental health center; 5. Each Behavioral Health Organization (BHO); 6. The Division of Youth Corrections SERVICES; 7. A managed service organization for the provision of treatment of services for alcohol and drug abuse; and, 8. A community domestic abuse program, if representation is available.	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.
7.304.21	Revision	3) Kin who is not disqualified as an emergency placement and who authorizes the child(ren)/youth to be placed in the home shall report to law enforcement or the county department of human or social services, if a fingerprint machine is available to submit fingerprints no later than five calendar days after the child(ren)/youth are placed in the home or no later than fifteen calendar days when documented urgent circumstances exist. The cost of the fingerprints is the responsibility of the relative or other available person.	3) Kin who is not disqualified as an emergency placement and who authorizes the child(ren)/youth to be placed in the home shall report to law enforcement, or the county department of human or social services, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION if a fingerprint machine is available to submit fingerprints no later than five calendar days after the child(ren)/youth are placed in the home or no later than fifteen calendar days when documented urgent circumstances exist. The cost of the fingerprints is the responsibility of the relative or other available person.	SB 17-189 allows for third party vendors to complete fingerprinting.	

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Rule section and Page #	Type of Change/Modification	Old Language	New Language or Response	Reason/Example/Best Practice	Public Comment None/Detail
7.305.33	Revision	For youth open in a case and who are in the “Follow-Up Population”, the county department or Division of Youth Corrections shall assure that the “follow-up surveys” are completed by the youth within the six (6) month period to which they are assigned. For youth who have discharged from care who are in the “follow-up population”, the county department or Division of Youth Corrections shall assist the Division of Child Welfare in locating and engaging youth to complete the survey during the period to which they are assigned.	For youth open in a case and who are in the “Follow-Up Population”, the county department or Division of Youth Corrections SERVICES shall assure that the “follow-up surveys” are completed by the youth within the six (6) month period to which they are assigned. For youth who have discharged from care who are in the “follow-up population”, the county department or Division of Youth Corrections SERVICES shall assist the Division of Child Welfare in locating and engaging youth to complete the survey during the period to which they are assigned.	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.
7.305.41	Revision	F.The county department shall consider the following factors, in the prioritization of Chafee services on an individual basis: 1. Risk or history of human trafficking; 2. Risk or history of homelessness; 3. Whether the youth has emancipated from Child Welfare or exited the Division of Youth Corrections after attaining age eighteen (18), or is expected to do so;	F.The county department shall consider the following factors, in the prioritization of Chafee services on an individual basis: 1. Risk or history of human trafficking; 2. Risk or history of homelessness; 3. Whether the youth has emancipated from Child Welfare or exited the Division of Youth Corrections SERVICES after attaining age eighteen (18), or is expected to do so;	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.
7.305.42	Revision	A. Meet Program Area 4, 5, or 6 target group eligibility requirements, in a non-secure setting, with the Division of Youth Corrections, or meet requirements for ongoing Chafee services in the state where the youth emancipated, was adopted or entered Relative Guardianship, if other than Colorado.	A. Meet Program Area 4, 5, or 6 target group eligibility requirements, in a non-secure setting, with the Division of Youth Corrections SERVICES, or meet requirements for ongoing Chafee services in the state where the youth emancipated, was adopted or entered Relative Guardianship, if other than Colorado.	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.

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Rule section and Page #	Type of Change/Modification	Old Language	New Language or Response	Reason/Example/Best Practice	Public Comment None/Detail
7.311.63	Revision	<p>c. Any change in a non-Title IV-E relative guardianship assistance agreement must be related to the specific needs of the youth or child, the relative guardian's circumstances, and the county department's policy.</p> <p>The county department shall negotiate with the relative guardian that when the youth or child is in out-of-home care or committed to the Division of Youth Corrections for more than thirty (30) days, the assistance payment shall be suspended until the youth or child returns to the relative guardian's home.</p>	<p>c. Any change in a non-Title IV-E relative guardianship assistance agreement must be related to the specific needs of the youth or child, the relative guardian's circumstances, and the county department's policy.</p> <p>The county department shall negotiate with the relative guardian that when the youth or child is in out-of-home care or committed to the Division of Youth Corrections SERVICES for more than thirty (30) days, the assistance payment shall be suspended until the youth or child returns to the relative guardian's home.</p>	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.
7.311.82	Revision	<p>7.311.82 Procedures for Relative Guardianship Assistance Payment When a Youth or Child is in Out-of-Home Care or Committed to the Division of Youth Corrections</p> <p>A. Medicaid eligibility shall continue for Title IV-E eligible youth or children who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State Prescribed form (see County Responsibility, Section 7.402.2).</p> <p>B. When a youth or child with a non-Title IV-E relative guardianship assistance agreement is placed in out-of-home care for more than thirty (30) days, the county department shall discontinue the relative guardianship assistance payment until the youth or child returns to the relative guardian's home. This includes a commitment to the Division of Youth Corrections.</p>	<p>7.311.82 Procedures for Relative Guardianship Assistance Payment When a Youth or Child is in Out-of-Home Care or Committed to the Division of Youth Corrections SERVICES</p> <p>A. Medicaid eligibility shall continue for Title IV-E eligible youth or children who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State Prescribed form (see County Responsibility, Section 7.402.2).</p> <p>B. When a youth or child with a non-Title IV-E relative guardianship assistance agreement is placed in out-of-home care for more than thirty (30) days, the county department shall discontinue the relative guardianship assistance payment until the youth or child returns to the relative guardian's home. This includes a commitment to the Division of Youth Corrections SERVICES.</p>	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.

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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 – 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

(12 CCR 2509-4)

7.303.32 Availability [Rev. eff. 8/1/15]

- A. Collaborative Management is an optional program for an individual county or groups of counties. Counties may elect to participate by entering into a Memorandum of Understanding (MOU) that is designed to promote a collaborative system to coordinate and manage the provision of services to children, youth, and families who would benefit from an integrated multi-system approach to service and service delivery. Counties must use the MOU template provided by the State and developed in conjunction with the Colorado Judicial Districts.
- B. The MOU shall be between interested county departments of human/social services and local representatives of each of the following agencies:
 - 1. The local judicial district(s), including probation services;
 - 2. The health department, whether a county, district, or regional health department;
 - 3. The local school district(s);
 - 4. Each community mental health center;
 - 5. Each Behavioral Health Organization (BHO);
 - 6. The Division of Youth ~~Corrections~~ SERVICES;
 - 7. A managed service organization for the provision of treatment of services for alcohol and drug abuse; and,
 - 8. A community domestic abuse program, if representation is available.

7.304.21 Kinship Care [Rev. eff. 1/1/17]

- A. Definition: Refer to Section 7.000.2 (12 CCR 2509-1) for the definition of “kin” and “non-certified kinship care”.
- B. Kinship care shall be utilized in order to:
 - 1. Maintain child(ren)/youth in their families or with persons with whom they have a family like or prior significant relationship in order to provide meaningful, emotional and cultural ties across their life span.
 - 2. Minimize the trauma of out-of-home placement.
 - 3. Support and strengthen families' ability to protect their child(ren)/youth and to provide permanency.
- C. Kinship care: Assessment and Decision-Making
 - 1. If during an assessment it is discovered that the child(ren)/youth and their parents are living with kin:

- a) The child(ren)/youth are not considered to be in out-of-home care as the child(ren)/youth are living with their parents.
 - b) The rules for assessment apply (see Section 7.104 et seq.[12 CCR 2509-2]).
2. If during an assessment it is discovered that the child(ren)/youth are not living with their parents, but with kin:
- a) The child(ren)/youth are not considered to be in out-of-home care as the child(ren)/youth are living with kin through arrangements made by the family.
 - b) The rules for assessment apply (see Section 7.104 et seq.[12 CCR 2509-2]).
 - c) These kinship providers may be eligible for forms of support listed in Section 7.304.21, E, 3.
3. If during an assessment it is discovered that the child(ren)/youth are in current or impending danger with their caregiver(s) and the family agrees to a temporary living arrangement with kin through the use of a safety plan:
- a) The assessment cannot be closed until one of the following:
 - 1) The child(ren)/youth have been returned to the care of their caregiver(s);
 - 2) Documentation is obtained demonstrating that legal authority has been granted to kin (documented in the state automated child welfare information system); or,
 - 3) A child welfare case has been opened.
 - b) The child(ren)/youth are not considered to be in out-of-home care as the arrangements are made through a safety plan.
 - c) These kinship providers may be eligible for forms of support listed in Section 7.304.21, E, 3.
 - d) If a case is not opened, the rules for assessment apply (see Section 7.104 et seq. [12 CCR 2509-2]).
 - e) If a case is opened, the permanency goal is identified as return home from kinship care and the child(ren)/youth are considered in kinship care. A removal is not opened and the rules for non-certified kinship care apply when the county department has not assumed legal authority for placement or taken legal custody (see Section 7.304.21, D).
4. If during an assessment it is discovered that the child(ren)/youth are in current or impending danger with their caregiver(s) and the family will not agree to a temporary living arrangement with kin through the use of a safety plan:
- A) The assessment cannot be closed until one of the following occurs:
 - 1) The child(ren)/youth have been returned to the care of their caregiver(s);
 - 2) Documentation is obtained demonstrating that legal authority has been granted to kin (documented in the state automated child welfare information system); or,

- 3) A child welfare case has been opened.
- b) Child(ren)/youth are considered to be in out-of-home care and a removal is required.
- c) Kinship providers may be eligible for forms of support listed in Section 7.304.21, E, 3.
- d) The rules for kinship care apply when the county department has assumed legal authority for placement or taken legal custody (see Section 7.304.21, E).

D. Kinship care services when the county department has not assumed legal authority for placement or taken legal custody, the county department shall:

1. Enable the family to make voluntary arrangements for temporary custody or guardianship by kin;
2. Provide parents and kin caring for the child(ren)/youth services to ensure the child(ren)/youth's safety, well-being, and smooth transition back to the parent's home. When return to parent's home is not a viable option, services to kin shall be used to help to provide permanency for the child(ren)/youth. The child(ren)/youth may receive such services without court involvement.;
3. Evaluate the non-certified kinship family addressing the areas of: safety, parenting skills, potential for permanency, needs of the kinship family, a support system, strengths and any other areas deemed necessary by the county department.
4. Ensure initiation of a signed original application to provide care for child(ren)/youth or a state approved, county specific kinship application at the time of change in a child(ren)/youth's living arrangement and document completion in the state automated child welfare information system.
5. Advise the kinship providers of the types of support listed in 7.304.21, E, 3.
6. Complete a background check for each adult (18 years and older) living in the home. These checks shall be completed prior to the child(ren)/youth's change in living arrangement and documented in the state automated case management system. The background check shall include:
 - a. Child abuse and/or neglect records in every state where any adult residing in the home has lived in the five years immediately preceding the date of application, except that child abuse and neglect records in other states where an adult has resided shall be initiated no later than seven (7) working days following placement.
 - b. Fingerprint-based criminal history record information checks from the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) shall be conducted prior to placement unless it is an emergency placement (see Section 7.304.21, E, 2, f) in order to determine if any adult who resides in the home has been convicted (see Section 7.000.2 [12 CCR 2509-1]) of:
 - 1) Child abuse, as specified in Section 18-6-401, C.R.S.;
 - 2) A crime of violence, as defined in Section 18-1.3-406(B)(I), C.R.S.;
 - 3) An offense involving unlawful sexual behavior, as defined in Section 16-22-102 (9), C.R.S.;

- 4) A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3(1), C.R.S.;
 - 5) A felony involving physical assault, battery, or a drug-related offense within five years of the date of application;
 - 6) A pattern of misdemeanor convictions within the ten (10) years immediately preceding submission of the application. (see Section 7.000.2 [12 CCR 2509-1])
 - 7) Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in 1-6, above.
- c. Review the court case management system of the State Judicial Department and include a copy of the information in the case record; and,
 - d. Review the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice at initial placement and include a copy of the information in the case record:
 - 1) Known names and addresses of each adult residing in the home; and,
 - 2) Address only of the non-certified kinship care home.
7. Receive affirmation of the placement either through a court order or county director(s) affirmation to place or allow continued placement of a child(ren)/youth with a non-certified kin or other adult living in the home that would otherwise be disqualified in Section 7.304.21, D, 8 and 9.
 8. Decline placement of a child(ren)/youth in the home if the kin or any adult eighteen (18) years of age or older who resides in the home has been convicted of any offense described in Section D, 6, B, 1-7, is a registered sex offender or, is determined unsafe following a review of a finding of child abuse and/or neglect in the state automated case management system.
 9. Evaluate the appropriateness of the placement. If a disqualifying factor (refer to Section 7.000.2, 12 CCR 2509-1) is identified following the placement of a child(ren)/youth in a non-certified kinship care home, a plan shall be developed as soon as possible and documented in the state automated case management system to address and remedy the concerns no later than two weeks after the date of placement. The plan shall include the following:
 - a. The circumstances of the placement;
 - b. The vulnerability of the child(ren)/youth, including age and development;
 - c. Safety issues impacting the child(ren)/youth;
 - d. Supports needed by the non-certified kinship caregiver(s); and,
 - e. Alternative solutions to removal of the child(ren)/youth from the placement, and document the solution in the family service plan including, but not limited to, the family's current status in the following domains:
 - 1) Risk and safety;

- 2) Level of functioning;
- 3) Strengths;
- 4) Specific areas of concern to be addressed;
- 5) Services and supports needed; and,
- 6) Changes that must occur to mitigate the concerns.

E. Kinship care services when the county department has assumed legal authority for placement or been granted legal custody:

1. Eligible Populations: The child(ren)/youth shall meet the following criteria for placement in kinship care through the child welfare system:
 - a. Program Area 4, 5, or 6 target groups (refer to Section 7.000.1, 12 CCR 2509-1) and out-of-home placement criteria; and
 - b. There is legal authority for placement as defined in Section 7.304.51 and the Children's Code through a court order, a Dependency and Neglect or Delinquency action, emergency removal by law enforcement, or a voluntary placement, followed within 90 calendar days by a Petition for Review of Need for Placement (PRNP).
2. Placement with Kinship Care Providers:
 - a. When out-of-home placement is necessary, the county department shall determine whether there are available and willing kin to provide for the child(ren)/youth.
 - 1) Kinship care providers shall be advised of the types of support available to them through the county department including:
 - a) Family preservation,
 - b) Certification for kinship foster care, and
 - c) The relative guardianship assistance program (see Section 7.311, et seq).
 - 2) In the decision making process, funding and types of support including:
 - a) Kinship care may be considered a means of family preservation rather than a placement service.
 - b) The kinship caregiver(s) may become a foster care home. If the kinship caregiver prefers to be a kinship foster care home, the county director or his/her designee may allow a waiver of non-safety certification standards (see Section 7.708.7 (12 CCR 2509-8)).
 - c) Kinship caregivers for title IV-E eligible child(ren)/youth are entitled to the same level of reimbursement as non-related providers. Kinship caregivers may elect to receive no payment.

- d) Other funding and support services, including in-kind or concrete services, can be put into place as mutually agreed upon with the provider.
- 3) Relative kinship care providers and potential relative kinship care providers shall be informed about the types of support noted in 7.304.21, E, 2, a, 1. The information provided, including the date(s), shall be documented in the statewide automated child welfare information system.
- b. Parent(s) shall be included as part of the planning process when considering placement with kin unless there are documented reasons for their unavailability to participate.
 - c. If kin are available and willing, the county department shall assess the suitability of kin in accordance with the foster care certification requirements found at Sections 7.500 (12 CCR 2509-6) and 7.708 (12 CCR 2509-8).
 - d. If the parent(s) do not agree to a specific kinship placement, the county department shall request court ordered assessment for possible placement with kin, identify other kinship placement possibilities, and/or revisit possible kinship placement at a later time if out-of-home placement continues to be necessary. If the assessment is favorable, and the parent(s) still object to the kinship placement, the county department may request that the court order the kinship placement.
 - e. When removal from parents or guardians occurs on an emergency basis, child(ren)/youth may be placed with kinship providers who may be provisionally certified as a kinship foster care home in accordance with Section 7.500.311, C and D (12 CCR 2509-6).
 - f. When an emergency placement is necessary and a prospective relative or other available person is identified, and child(ren)/youth are placed into temporary custody by law enforcement and/or the court places temporary custody with a county department of human or social services the following actions shall occur prior to placement of child(ren)/youth in the home:
 - 1) The county department shall contact local law enforcement to conduct an initial name-based state and federal criminal history record check. The results of the criminal record check shall be provided verbally to the county department. The county department of human or social services or law enforcement shall immediately conduct an initial criminal history record check of the relative or other available person and all adults in the home. If law enforcement is completing the criminal history check, the county department of human or social services shall request a verbal report regarding each person's criminal history from federal and state databases, and include the results in the case record.
 - 2) The child(ren)/youth shall not be placed in the home if the criminal history record information check reflects one or more convictions of the criminal offenses listed in Subsection 7.304.21, D, 2, f, 7 unless ordered by the court.
 - 3) Kin who is not disqualified as an emergency placement and who authorizes the child(ren)/youth to be placed in the home shall report to law enforcement, ~~or~~ the county department of human or social services, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION if a fingerprint machine is available to submit

fingerprints no later than five calendar days after the child(ren)/youth are placed in the home or no later than fifteen calendar days when documented urgent circumstances exist. The cost of the fingerprints is the responsibility of the relative or other available person.

- 4) The county department shall confirm timely submission of fingerprints from kin:
 - a) With law enforcement: The county department shall contact the local law enforcement agency within fifteen (15) days following the placement of the child(ren)/youth to assure the potential provider reported for the purpose of obtaining fingerprints within the specified timeframe. If kin did not comply, then the child(ren)/youth shall be removed immediately from the physical custody of the person by the county department of human or social services or local law enforcement officer, unless otherwise ordered by the court; or,
 - b) When the county department of human or social services has a fingerprint machine: if kin did not comply, the child(ren)/youth shall be removed immediately from the physical custody of the person by the county department of human or social services or local law enforcement officer, unless otherwise ordered by the court.
- 5) A fingerprint-based criminal history record information check will be conducted by CBI using state and national CBI and FBI records. The local law enforcement agency is the authorized agency to receive the results.
- 6) If the fingerprint-based criminal history record information check indicates the person has a disqualifying criminal history, the county department of human or social services or local law enforcement officer shall immediately remove the child(ren)/youth from the emergency placement and shall not place a child(ren)/youth with the person who has the criminal history without court involvement and an order of the court affirming placement of the child(ren)/youth with the person.
- 7) A county department of human or social services or local law enforcement shall not make an emergency placement or continue the emergency placement of a child(ren)/youth with a person who has been convicted of one or more of the following offenses:
 - a) Child abuse, as specified in Section 18-6-401, C.R.S.;
 - b) A crime of violence, as defined in Section 18-1-3-406(B)(I), C.R.S.;
 - c) An offense involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.;
 - d) A felony, the underlying actual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3(1), C.R.S.;
 - e) A felony involving physical assault or a drug-related offense, committed within the preceding five years;

- f) Violation of a protection order, as described in Section 18-6-803.5, C.R.S.;
 - g) A crime involving homicide; or,
 - h) An offense in any other state the elements of which are substantially similar to the elements of any one of the offenses described in a-g, above.
- 8) If a relative or other person was not disqualified as an emergency placement based upon the fingerprint-based criminal history record information check and the child(ren)/youth were placed in the emergency placement, the county department of human or social services shall complete the following checks for the relative or available person and all adults in the home:
- a) Review the court case management system of the State Judicial Department and include a copy of the information in the case record;
 - b) Review the state automated case management system and the child abuse and/or neglect registries in all states the adults living in the home have resided in the five years preceding the date of application and include a copy of the information in the case record; and,
 - c) Review the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice at initial placement, and annually, and include a copy of the information in the case record:
 - i) Known names and addresses of each adult residing in the home; and,
 - ii) Address only of the kinship home.
- 9) If information is found as a result of any checks of the relative or other available person that continued placement is unsafe, the county department of human or social services shall remove the child(ren)/youth.
- 10) If a disqualifying factor (refer to Section 7.002) and/or a concern about the safety of the child(ren)/youth is identified following the placement of the child(ren)/youth, the department of human or social services shall evaluate the appropriateness of continuing the placement. A plan shall be developed to address the concerns as soon as possible and the concerns shall be remedied no later than two weeks after the date of placement. The following shall be documented in the state automated case management system:
- a) Review the circumstances of the placement;
 - b) Evaluate the vulnerability of the child(ren)/youth, including age and development;
 - c) Safety issues impacting the child(ren)/youth;
 - d) Supports needed by the non-certified kinship caregiver(s); and,

- e) Identify alternative solutions to removal of the child(ren)/youth from the placement, and document the solution in the family service plan including, but not limited to, the family's current status in the following domains:
 - i) Risk and safety;
 - ii) Level of functioning;
 - iii) Strengths;
 - iv) Specific areas of concern to be addressed;
 - v) Services and supports needed; and,
 - vi) Changes that must occur to mitigate the concerns.

- 11) Fingerprint-based criminal history record information checks are not required if the relative or other available person in the home completed them within the three months preceding date of placement. The following checks shall be completed and included in the case record, and documented in the state automated case management system:
 - a) State automated case management system;
 - b) The CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice at initial placement and annually:
 - i) Known names and addresses of each adult residing in the home; and,
 - ii) Address only of the kinship home.
 - c) Court case management system of the State Judicial Department; and,
 - d) Contact law enforcement to determine if any additional criminal history occurred or complete an online CBI name-based check.

- g. Substitution of Fingerprints for Foster Care Certification
 - 1) If the county department of human or social services or a child placement agency (when applicable) intends to accept an application for foster care, CBI shall be notified within five calendar days after requesting fingerprint-based criminal history record information checks in order to prompt flagging and automatic notification to the county department of human or social services or child placement agency when there are new criminal charges; and,
 - 2) The substitute fingerprint process meets the requirement for an applicant for foster care certification pursuant to Section 26-6-106.3, C.R.S.

- h. The reasonable and prudent parent standard requirements for a kinship provider or kinship foster parent to approve activities for a child(ren)/ or youth in foster care requires the following action: The county department of human or social

services or child placement agency shall train the caregiver how to determine whether an extracurricular, enrichment, cultural, or social activity is consistent with the reasonable and prudent parent standard, when approving an age or developmentally appropriate activity identified in Section 7.701.200 (12 CCR 2509-8).

3. Decision Making:

- a. As part of the assessment process, the county department of human or social services shall determine, with the kinship care provider, which funding options and support services will be necessary to support the placement. If the child(ren)/youth is eligible, at a minimum, the following funding sources shall be considered to support the child(ren)/youth in a kinship care placement:
 - 1) Child Support by the absent parent(s). For Child Support, a referral shall be made to child support services;
 - 2) Social Security and/or other death benefits;
 - 3) Supplemental Security Income; see Section 7.001.44 (12 CCR 2509-1);
 - 4) Supplemental Security for Disability Income;
 - 5) Temporary Assistance to Needy Families - for kinship care to be supported by Temporary Assistance to Needy Families, the caretaker must meet the Temporary Assistance to Needy Families definition in Section 3.600 of the Income Maintenance manual (9 CCR 2503-1);
 - 6) Tricare or other medical benefits;
 - 7) Medicaid;
 - 8) Core Services (Section 7.303);
 - 9) Child Welfare Child Care;
 - 10) Colorado Child Care Assistance Program;
 - 11) In-Kind Services or Donations;
 - 12) Foster care maintenance payment; see Section 7.500.31, A (12 CCR 2509-6);
 - 13) IV-E or state relative guardianship assistance program; see Section 7.311 et seq.
 - 14) IV-E or state adoption assistance.
- b. This decision making process shall address the needs of the child(ren)/youth, family and kin and focus on how the goals of safety, permanency, and child(ren)/youth well-being can be most effectively achieved for the child(ren)/youth.
- c. The kinship care provider shall be advised of all support options available, and shall be advised of the grievance process available to certified and licensed providers.

- d. Requests for approval for any exceptions for relatives to the foster care rules outlined in Section 7.708 (12 CCR 2509-8) shall be submitted by the county department of human or social services or child placement agency to the State Child Care Appeal Panel in accordance with procedures established by the Colorado Department of Human Services.
- 4. Services to kinship care providers shall:
 - a. Include training, support and services specific to the needs of kinship care providers.
 - b. Include supervision as described in the child(ren)/youth's Family Services Plan and in Section 7.500.313, A (12 CCR 2509-6).
 - 5. Services to children/youth in all kinship care placements shall: Include the requirements of Section 7.301 (12 CCR 2509-4), assessment and case planning section.
 - 6. Permanency Planning in Kinship Care
 - a. When a child(ren)/youth has been placed by the county department into temporary kinship care and reasonable efforts to reunite the child(ren)/youth with the parents are not successful, the county department shall consider permanent placement with the kinship care provider or other appropriate kin. The preferred permanent placement shall be adoption, legal guardianship, or permanent custody.
 - b. The grandparent, aunt, uncle, brother or sister must file a request with the court no later than twenty (20) days after the motion for termination has been filed, if the provider wishes to be considered as the guardian or to take legal custody of the child(ren)/youth. following the order of termination of the parent-child(ren)/youth legal relationship, the court shall give preference to this provider if it has been determined to be in the best interest of the child(ren)/youth and the attachment of the child(ren)/youth to the current caregiver has been considered.

7.305.33 Follow-Up Population [Rev. eff. 11/1/15]

The "Follow-Up Population" consists of young people who were in the baseline population at age seventeen (17) who reach age nineteen (19) or age twenty-one (21) during the six-month survey period and who appear in the survey population or sample indicated in the Trails NYTD screen.

For youth open in a case and who are in the "Follow-Up Population", the county department or Division of Youth ~~Corrections~~ SERVICES shall assure that the "follow-up surveys" are completed by the youth within the six (6) month period to which they are assigned.

For youth who have discharged from care who are in the "follow-up population", the county department or Division of Youth ~~Corrections~~ SERVICES shall assist the Division of Child Welfare in locating and engaging youth to complete the survey during the period to which they are assigned.

7.305.41 County Responsibilities [Rev. eff. 11/1/15]

- A. The designated host county department shall submit a county plan for State approval.

- B. The county department shall comply in format, content, and time lines with the instructions for Chafee Foster Care Independence Program plans as published by the State Department in an agency letter which will also contain required instructions for program and financial reporting.
- C. The county department shall administer the State approved plan in accordance with provisions of the plan.
- D. Funds shall be used exclusively for the purposes specified in the plan.
- E. County departments must submit amendments to approved plans when the county is proposing to add or delete a service to the plan. The county department shall submit amendments of the Chafee Foster Care Independence Program plan for approval to the State Department no less than thirty (30) business days before the amendment is to be effective.
- F. The county department shall consider the following factors, in the prioritization of Chafee services on an individual basis:
 - 1. Risk or history of human trafficking;
 - 2. Risk or history of homelessness;
 - 3. Whether the youth has emancipated from Child Welfare or exited the Division of Youth ~~Corrections~~ SERVICES after attaining age eighteen (18), or is expected to do so;
 - 4. Previous participation in Chafee services or transfer of services from another county or state;
 - 5. Enrollment and progress in educational programs, internships or apprenticeships;
 - 6. Enrollment and progress in workforce innovation and opportunity act programs or workforce development activities; and,
 - 7. Connection to permanent, supportive adults and personal support systems.

7.305.42 Eligibility [Rev. eff. 11/1/15]

To be eligible for Chafee Foster Care Independence Program (CFCIP) services, the youth must:

- A. Meet Program Area 4, 5, or 6 target group eligibility requirements, in a non-secure setting, with the Division of Youth ~~Corrections~~ SERVICES, or meet requirements for ongoing Chafee services in the state where the youth emancipated, was adopted or entered Relative Guardianship, if other than Colorado.

7.311.63 Negotiation of Relative Guardianship Assistance Agreements [Rev. eff. 12/1/12]

- A. The county department shall:
 - 1. Establish a policy regarding the criteria used for calculating the relative guardianship assistance agreements. The agreements shall be established in accordance with the written policy.
 - 2. Determine specific needs of the youth or child and eligibility for relative guardianship assistance.

3. Utilize financial information regarding the relative guardian's family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in relative guardianship assistance.
4. Not include a statement in the relative guardianship assistance agreement that Title IV-E relative guardianship assistance payments and/or services are subject to the appropriation of state funds.
5. Make a good faith effort to negotiate a relative guardianship assistance agreement with the relative guardian and base the negotiation on the needs of the youth and child and the circumstances of the relative guardian. If the parties cannot agree, the county department shall establish the amount. If the relative disagrees with the decision, a fair hearing may be requested.
6. Negotiate with the relative guardian the amount that is needed by the relative guardian to meet the needs of the youth or child. This may be less than the amount for which the youth or child qualifies.
7. Establish a maximum rate that may be provided to a relative guardian; the rate cannot exceed the current foster care maintenance rate that was reimbursed for the out-of-home care of the youth, or that would have been reimbursed if the youth or child was currently in out-of-home care. The monthly respite care payment that is provided in the foster care rate is not a benefit under the relative guardianship assistance program.
8. Identify additional services and assistance that the youth or child will be eligible for and the procedures for applying for the services.
9. Use the State Department's prescribed forms to document the negotiated agreement for Title IV-E or non-Title IV-E relative guardianship assistance, and attach supporting documentation.
10. Complete and sign the relative guardianship assistance agreement form specifying:
 - a. The dollar amount of the relative guardianship assistance being provided, if applicable.
 - b. The duration dates of the agreement:
 - 1) Until the youth or child in relative guardianship reaches the age of eighteen (18) years, or,
 - 2) On a case-by-case basis, the duration of the agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.
 - c. The services and dates of services that are covered by the relative guardianship assistance agreement.
 - d. The relative guardianship assistance agreement must be signed and dated by all parties prior to the effective date of the agreement, which is the date that the court appoints relative guardianship. If the county department fails to completely execute the relative guardianship assistance agreement prior to the date the relative guardianship is appointed, the assistance payment will become non-reimbursable by the state and Title IV-E funds.
11. Review the agreement every three (3) years from the date of the initial agreement.

- a. Any change in the relative guardianship assistance agreement shall be related to the original needs, identified at the time the decision was made that relative guardianship assistance was needed.
- b. A Title IV-E relative guardianship assistance agreement shall not be changed without the concurrence of all parties. The only exception is if there is a reduction or increase in the foster care maintenance payment rate. In that circumstance the state may adjust the relative guardianship assistance payment without the relative guardian's agreement.
- c. Any change in a non-Title IV-E relative guardianship assistance agreement must be related to the specific needs of the youth or child, the relative guardian's circumstances, and the county department's policy.

The county department shall negotiate with the relative guardian that when the youth or child is in out-of-home care or committed to the Division of Youth ~~Corrections~~ SERVICES for more than thirty (30) days, the assistance payment shall be suspended until the youth or child returns to the relative guardian's home.

7.311.82 Procedures for Relative Guardianship Assistance Payment When a Youth or Child is in Out-of-Home Care or Committed to the Division of Youth ~~Corrections~~ SERVICES [Rev. eff. 12/1/12]

- A. Medicaid eligibility shall continue for Title IV-E eligible youth or children who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State Prescribed form (see County Responsibility, Section 7.402.2).
- B. When a youth or child with a non-Title IV-E relative guardianship assistance agreement is placed in out-of-home care for more than thirty (30) days, the county department shall discontinue the relative guardianship assistance payment until the youth or child returns to the relative guardian's home. This includes a commitment to the Division of Youth ~~Corrections~~ SERVICES.