

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: \_\_\_\_\_ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

### RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a.  Board  Executive Director

b.  Regular  Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

AG Initial Review

Initial Board Reading

AG 2<sup>nd</sup> Review

Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

Number

9 Amended Rules

4 New Rules

\_\_\_\_\_ Repealed Rules

\_\_\_\_\_ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
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What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: \_\_\_\_\_ Date: \_\_\_\_\_

#### REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:      1st Board    10/8/2021      2nd Board    11/5/2021      Effective Date    12/30/2021

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**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. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

**State Board Authority for Rule:**

Code	Description
26-1-107(5)(a), C.R.S. (2021)	State Board to promulgate rules
26-1-109(3), C.R.S. (2021)	State department rules to coordinate with federal programs
26-1-111(2)(a), C.R.S. (2021)	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
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

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

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute

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ensures the highest level of support to counties and fidelity to the law.

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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?*

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

### 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 Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

### 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)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

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#### Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

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

No impact to other providers, local governments, or other agencies is anticipated.

#### **4. Data Description**

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

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

#### **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 HB 21-1094 requires that rules be promulgated for implementation of the law.

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**OVERVIEW OF PROPOSED RULE**

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

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.103 (B)(2)	Technical fix	Document the details of the report to law enforcement in the state automated case management system.	Document the details of the report to law enforcement in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.	This rule corrects the name of this system.	
7.103 (C)	Needed a technical fix	C. If at any point during the referral process a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information: 1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm, 2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and 3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S.	C. If at any point during the referral process WHEN THE REPORTING PARTY IS A RUNAWAY AND HOMELESS YOUTH PROVIDER, AND a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information: 1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm, 2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and 3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S.	The Child Protection Task Group Requested this additional language for clarification.	CPTG, HB 21-1094 Task Group.
7.103.3	New Rule		7.103.3 RECEIPT OF REFERRAL, JURISDICTION, AND INITIAL REVIEW WHEN A YOUTH IS SEEKING REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM	This creates a new section for information gathering as there is a different set of information required than a typical referral received by counties and the HCCC.	CPTG, HB 21-1094 Task Group.
7.103.3 (A)	New Rule		A. UPON RECEIPT OF A REPORT REGARDING A YOUTH IN NEED OF SERVICES TO REENTER THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM PURSUANT TO SECTION 19-7-301, C.R.S., ET SEQ, THE COUNTY OR HOTLINE COUNTY CONNECTION CENTER	This rule sets expectations for what information needs to be gathered.	CPTG, HB 21-1094 Task Group.

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			<p>SHALL GATHER THE FOLLOWING INFORMATION, WHEN AVAILABLE:</p> <ol style="list-style-type: none"> <li>1. THE REPORTING PARTY'S: <ol style="list-style-type: none"> <li>a. NAME;</li> <li>b. ADDRESS;</li> <li>c. TELEPHONE NUMBER;</li> <li>d. REPORTER TYPE; AND</li> <li>e. RELATIONSHIP TO THE YOUTH SEEKING SERVICES.</li> </ol> </li> <li>2. THE FOLLOWING INFORMATION REGARDING THE YOUTH SEEKING SERVICES: <ol style="list-style-type: none"> <li>a. LEGAL NAME;</li> <li>b. ADDRESS OR COUNTY WHERE THE YOUTH SELF ATTESTS TO RESIDE;</li> <li>c. CURRENT SPECIFIC LOCATION AND CONTACT INFORMATION; AND</li> <li>d. BIRTH DATE(S) OR ESTIMATED AGE(S).</li> </ol> </li> </ol>		
7.103.3 (B)	New Rule		THE COUNTY IN WHICH A YOUTH SELF ATTESTS TO RESIDE SHALL HAVE JURISDICTION FOR A RE-ENTRY REFERRAL TO THE FOSTER YOUTH IN TRANSITION PROGRAM.	This rule clarifies which county has jurisdiction.	CPTG, HB 21-1094 Task Group.
7.103.3 (C)	New Rule		UPON RECEIPT OF A REQUEST FOR REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM A COUNTY DEPARTMENT SHALL INITIATE A REVIEW OF ELIGIBILITY, NOTIFICATIONS, PROVISION OF SERVICES, AND TIMELINES AS DESCRIBED IN 7.203.40, ET SEQ. (12 CCR 2509-3).	This rule provides ensures counties understand where to go for next steps in 7.203.	CPTG, HB 21-1094 Task Group.
7.103.4	Technical Fix	7.103.3 Initial Review [Eff. 3/1/18]	7.103.34 Initial Review [Eff. 3/1/18]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.4 (B)	Technical Fix	Review the state automated case management system and any available	Review the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE	This rule corrects the name of this system.	

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		county department files within twenty-four (24) hours for:	INFORMATION SYSTEM and any available county department files within twenty-four (24) hours for:		
7.103.4 (D)	Technical Fix	All referrals shall be reviewed and approved by a supervisor, and documented in the state automated case management system. The review shall include, at a minimum, two certified child welfare staff. If there is disagreement in the determination, the referral shall be reviewed through the red team process.	All referrals shall be reviewed and approved by a supervisor, and documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM. The review shall include, at a minimum, two certified child welfare staff. If there is disagreement in the determination, the referral shall be reviewed through the red team process.	This rule corrects the name of this system.	
7.103.5	Technical Fix	7.103.4 Referrals Requiring No Further Action	7.103.45 Referrals Requiring No Further Action	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.5 (E)	Technical Fix	Referral is duplicative of a previous referral. In this circumstance, the county department shall associate the duplicate referral with the previous referral in the state automated case management system).	Referral is duplicative of a previous referral. In this circumstance, the county department shall associate the duplicate referral with the previous referral in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM).	This rule corrects the name of this system.	
7.103.6	Technical Fix	7.103.5 Criteria For Assigning A Referral For Assessment	7.103.56 Criteria For Assigning A Referral For Assessment	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.6 (B)	Technical Fix	Any time a case is opened, it shall come through the referral or assessment process in the state automated case management system with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.	Any time a case is opened, it shall come through the referral or assessment process in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.	This rule corrects the name of this system.	
7.103.7	Technical Fix	7.103.60 Response Time for Referrals Assigned for Assessment	7.103.670 Response Time For Referrals Assigned For Assessment	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.71	Technical Fix	7.103.61 Red Teams	7.103.671 Red Teams	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.71 (F)	Technical Fix	All RED team decisions shall be approved by a certified supervisor by the end of the	All RED team decisions shall be approved by a certified supervisor by the end of the calendar day		



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		calendar day and documented in the state automated case management system by the end of the next business day.	and documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.		
7.103.8	Technical Fix	7.103.7 DIFFERENTIAL RESPONSE [Eff. 1/1/15]	7.103.78 DIFFERENTIAL RESPONSE [EFF. 1/1/15]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.8 (A)(6)	Technical Fix	Demonstrate county staff understands how to correctly enter information into the state automated case management system.	Demonstrate county staff understands how to correctly enter information into the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.	This rule corrects the name of this system.	
7.103.8 (B)(3)	Technical Fix	All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the state automated case management system by the end of the next business day.	All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.	This rule corrects the name of this system.	
7.103.9	Technical Fix	7.103.8 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [Eff. 1/1/15]	7.103.89 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [EFF. 1/1/15]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.10	Technical Fix	7.103.9 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED [Eff. 1/1/15] A. All referrals including the information gathered pursuant to Sections 7.103.1 and 7.103.2 shall be entered into the state automated case management system by the end of the next business day following receipt of the referral. B. The initial review shall be documented in the state automated case management system by the end of the next business day following receipt of the referral. The supervisor is to ensure that the review and	7.103.910 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED [EFF. 1/1/15] A. All referrals including the information gathered pursuant to Sections 7.103.1 and 7.103.2 shall be entered into the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day following receipt of the referral. B. The initial review shall be documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day following receipt of the referral. The supervisor is to ensure that the review and the documentation have occurred.	This rule corrects numbering and the name of the Trails system in these rules.	HB 21-1094 Task Group.

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		<p>the documentation have occurred.</p> <p>C. The decision to screen out a referral for further action shall be documented in the state automated case management system by the end of the following business day that the decision is made. This shall include an explanation of the reasons why no further action was needed. The determination to screen out a referral for further action must be approved by a supervisor.</p> <p>D. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the state automated case management system by the end of the next business day.</p>	<p>C. The decision to screen out a referral for further action shall be documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the following business day that the decision is made. This shall include an explanation of the reasons why no further action was needed. The determination to screen out a referral for further action must be approved by a supervisor.</p> <p>D. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the <del>state automated case management system</del> COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.</p>		
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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):*

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

#### **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:*

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

#### **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	8/5/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

#### **PAC**

Have these rules been approved by PAC?

Yes  No

Date presented	9/2/2021		
What issues were raised?	No		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

#### **Other Comments**

Comments were received from stakeholders on the proposed rules:

Yes  No

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*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

In addition to the rule drafting task group, the Child Protection Task Group (CPTG), and Child Welfare SubPAC, and Chafee Quarterly Meeting, five stakeholder feedback sessions were held. Additionally, the rule authors held one youth specific public feedback session hosted by Project Foster Power.

No specific feedback regarding the rules was received during public feedback sessions.

The rule drafting task group was comprised of county staff, runaway and homeless youth providers, and other stakeholders. The group was engaged in every step of the rule drafting process and was given input on each rule.

(12 CCR 2509-2)

<Title2>**7.103 Receipt Of Referral Alleging Intrafamilial Or Third Party Abuse And/Or Neglect  
And/Or A Youth In Conflict– Information To Be Gathered**

- A. Upon receipt of a report alleging intrafamilial or third party abuse and/or neglect, and/or a youth in conflict, the county departments or the Hotline County Connection Center shall gather and document the following information, when available.
1. Reporting party's:
    - a. Name;
    - b. Address;
    - c. Telephone number;
    - d. Reporter type; and
    - e. Relationship to the alleged victim child(ren)/youth and/or a youth in conflict.
  2. Alleged victim child(ren)/youth's and/or a youth in conflict:
    - a. Name;
    - b. Address;
    - c. Current specific location;
    - d. School or child care (if applicable);
    - e. Birth date(s) or estimated age(s);
    - f. Information as to whether or not the child(ren)/youth have American Indian or native Alaskan heritage, and if so, the tribal affiliation; and
    - g. Any developmental delays, physical disabilities, competency or cultural considerations.
  3. Family and household members:
    - a. Names;
    - b. Birth date(s) or estimated age(s);
    - c. Relationship to each other;
    - d. Relationship to the alleged victim child(ren)/youth and/or a youth in conflict; and
    - e. Any developmental delays, physical disabilities, competency or cultural considerations.
  4. Person(s) alleged to be responsible for the abuse and/or neglect:

- a. Name;
  - b. Birth date(s) or estimated age(s);
  - c. Present location;
  - d. Current or last known address;
  - e. Relationship to the alleged victim child(ren)/youth; and
  - f. Any developmental delays, physical disabilities, competency or cultural considerations.
5. Narrative describing the presenting problems and specific allegations of the abuse and/or neglect, including but not limited to:
    - a. When it occurred;
    - b. Location;
    - c. Witness(es) of the incident; and
    - d. Description of any injury that was sustained.
  6. The date, time, and location the alleged victim child(ren)/youth and/or a youth in conflict were last seen by the reporting party.
  7. The nature of any other environmental hazards in the home which may impact child(ren)/youth or worker safety.
  8. The name and contact information of any individuals who may have information about the referral, and/or the identity and contact information of collateral agencies and individuals involved with the family.
  9. Date and time referral received.
  10. Family strengths and supports, and/or other protective factors or actions taken.
- B. If at any point during the referral process, a county department becomes aware of an allegation that a child(ren)/youth is, or may be, a victim of sex trafficking, the county department shall:
1. Report immediately, and no later than twenty-four (24) hours from when the county department becomes aware, to the local law enforcement agency; and,
  2. Document the details of the report to law enforcement in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.
- C. If at any point during the referral process WHEN THE REPORTING PARTY IS A RUNAWAY AND HOMELESS YOUTH PROVIDER, AND a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information:
1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm,

2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and
3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S.

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**7.103.3 RECEIPT OF REFERRAL, JURISDICTION, AND INITIAL REVIEW WHEN A YOUTH IS SEEKING RE-ENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM**

- A. UPON RECEIPT OF A REPORT REGARDING A YOUTH IN NEED OF SERVICES TO RE-ENTER THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM PURSUANT TO THE COLORADO REVISED STATUTES, PURSUANT TO SECTION 19-7-301, C.R.S., ET SEQ, THE COUNTY OR HOTLINE COUNTY CONNECTION CENTER SHALL GATHER THE FOLLOWING INFORMATION, WHEN AVAILABLE:
  1. THE REPORTING PARTY'S:
    - a. NAME;
    - b. ADDRESS;
    - c. TELEPHONE NUMBER;
    - d. REPORTER TYPE; AND
    - e. RELATIONSHIP TO THE YOUTH SEEKING SERVICES.
  2. THE FOLLOWING INFORMATION REGARDING THE YOUTH SEEKING SERVICES:
    - a. LEGAL NAME;
    - b. ADDRESS OR COUNTY WHERE THE YOUTH SELF ATTESTS TO RESIDE;
    - c. CURRENT SPECIFIC LOCATION AND CONTACT INFORMATION; AND
    - d. BIRTH DATE(S) OR ESTIMATED AGE(S).
- B. THE COUNTY IN WHICH A YOUTH SELF ATTESTS TO RESIDE SHALL HAVE JURISDICTION FOR A RE-ENTRY REFERRAL TO THE FOSTER YOUTH IN TRANSITION PROGRAM.
- C. UPON RECEIPT OF A REQUEST FOR RE-ENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM A COUNTY DEPARTMENT SHALL INITIATE A REVIEW OF ELIGIBILITY, NOTIFICATIONS, PROVISION OF SERVICES, AND TIMELINES AS DESCRIBED IN 7.203.40, ET SEQ. (12 CCR 2509-3).

**7.103.34 Initial Review [Eff. 3/1/18]**

When available, the county department shall gather the information in Section 7.103.1, A and/or B, and conduct an initial review. The initial review shall decide if no further action is required, if the referral shall be assigned for assessment, the appropriateness of an immediate response to an assessment, the need for red team review, and/or the appropriateness of a referral to prevention services. It shall include, but not be limited to, the following actions:

- A. Review the child(ren)/youth's vulnerability as defined in section 7.000.2.
- B. Review the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM and any available county department files within twenty-four (24) hours for:
  - 1. Prior referrals and/or involvement with the alleged victim child(ren), family, and person(s) alleged to be responsible for the abuse and/or neglect;
  - 2. Actions taken; and
  - 3. Services provided to inform whether there is known or suspected abuse and/or neglect or serious threats of harm to a child.
- C. As available and appropriate, obtain information from collateral sources such as schools, medical personnel, law enforcement agencies, or other care providers.
- D. All referrals shall be reviewed and approved by a supervisor, and documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM. The review shall include, at a minimum, two certified child welfare staff. If there is disagreement in the determination, the referral shall be reviewed through the red team process.
- E. Prevention services shall be considered, if available, for screened out referrals.

**7.103.45 Referrals Requiring No Further Action**

County departments may determine that a referral does not require further action and screen it out for the following reasons:

- A. The current allegations have previously been assessed;
- B. The alleged victim child(ren) or youth in conflict are not located or reside in the State of Colorado. In this circumstance, the county department shall inform the other state or county department of the referral;
- C. Referral does not meet criteria of abuse and/or neglect as defined in statutes and regulations;
- D. Referral lacks sufficient information to locate the alleged victim child(ren) or youth in conflict; or
- E. Referral is duplicative of a previous referral. In this circumstance, the county department shall associate the duplicate referral with the previous referral in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM).

A referral cannot be considered duplicate if the following circumstances are present:

- 1. Different incident date;
- 2. Different alleged victim;
- 3. Different alleged person responsible for abuse and/or neglect;
- 4. Different household; and/or
- 5. Additional information poses a new or renewed threat of safety to the child(ren)/youth.



- F. The person alleged to be responsible for the abuse and/or neglect is a third (3rd) party and ten (10) years of age or older. In this circumstance, the county department shall send the referral to the appropriate law enforcement agency.
- G. There is no current allegation of child abuse and/or neglect;
- H. More appropriate services for the child/youth who is alleged to be a youth in conflict are currently being provided by another agency;
- I. Referral does not meet the definition of youth in conflict as defined in section CCR 2509-1, 7.000.2; and
- J. The decision to screen out a referral shall be made by a minimum of two (2) certified child welfare staff from the same county or in conjunction with another county. When there is disagreement to screen out, the referral shall be reviewed through the red team process.

**7.103.56 Criteria For Assigning A Referral For Assessment**

- A. County departments shall screen in and assign a referral for assessment if it:
  - 1. Contains specific allegations of known or suspected abuse and/or neglect as defined in Section 7.000.2;
  - 2. Provides sufficient information to locate the alleged victim; and
  - 3. Identifies a victim under the age of eighteen (18).
- B. Any time a case is opened, it shall come through the referral or assessment process in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.
- C. The county department shall review and respond, either with a face-to-face intervention or by telephone, when notified by the court-appointed detention screener or a law enforcement officer of a child or/youth in the custody of a law enforcement agency who is inappropriate for secure detention but cannot be returned home.

**7.103.670 Response Time for Referrals Assigned for Assessment**

- A. County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:
  - 1. An immediate response is required when a referral indicates that:
    - a. There may be present danger of moderate to severe harm; or,
    - b. The child's vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response.
    - c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact.
  - 2. A three (3) calendar day response is required when a referral indicates that:

- a. There may be impending danger of moderate to severe harm; or,
  - b. The alleged victim child(ren)'s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future.
  - c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral.
  - D. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days.
3. A five (5) working day response is required when:
- A. A referral indicates an absence of safety concerns.
  - B. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral.
  - C. If the victim child(ren)/youth or child/youth in conflict cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days.
- B. The decision of how quickly to initiate an assessment shall be based on specific reported information that is credible and that indicates whether a child may be unsafe or at risk of harm.

**7.103.671 Red Teams**

- A. County departments shall implement a process utilizing the Red Team framework to review referrals with:
  - 1. Child welfare history that includes three (3) or more assessments within the past year regarding the household members in the current referral;
  - 2. Narrative that identifies the alleged victim child(ren)/youth as a child/youth with a vulnerability as defined in section 7.000.2;
  - 3. Two (2) or more screened out non-duplicative referrals with no assessment in the prior twelve (12) months; and/or
  - 4. Criminal history that includes felony and/or misdemeanor convictions related to child abuse and/or neglect, including crimes of violence, domestic violence, and/or unlawful sexual behavior regarding the household members in the current referral.
- B. County departments practicing Differential Response shall utilize the RED Team process for track assignment decisions when considering the Family Assessment Response (FAR) track on assessments requiring three (3) calendar or five (5) business day response times.
- C. The Red Team process is not required for review of the following exceptions:
  - 1. Referrals necessitating an immediate response;
  - 2. Referrals necessitating a response prior to the next business day;

3. Referrals alleging institutional abuse and/or neglect; or
  4. Referrals alleging youth in conflict.
- D. County departments may choose to utilize the RED team process for the above exceptions.
- E. The RED team process shall be documented in the framework. The documentation shall reflect the discussion and justification for the decisions.
- F. All RED team decisions shall be approved by a certified supervisor by the end of the calendar day and documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.

**7.103.78 DIFFERENTIAL RESPONSE [Eff. 1/1/15]**

- A. County departments interested in participating in Differential Response shall conduct the following:
1. Submit a letter of interest to the State Department;
  2. Form a County Differential Response Implementation Committee;
  3. Attend Differential Response Training and Coaching Sessions as determined by the State Department;
  4. Complete the Readiness Self-Assessment Process;
  5. Demonstrate the ability to meet the State Department's performance expectations on safety and well-being measures; and,
  6. Demonstrate county staff understands how to correctly enter information into the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.

Upon successful completion of the above efforts, a county may be selected to participate in Differential Response by the Executive Director of the State Department.

- B. County departments that implement Differential Response shall utilize the RED Team framework to review referrals, determine response times, and determine the appropriate track assignment in accordance with the approved RED Team process.
1. High Risk Assessment (HRA) is mandatory for a child fatality, near fatality, or egregious incident determined to be the result of abuse and/or neglect, institutional abuse, and intrafamilial sexual abuse. RED Teams may use discretion to assign a High Risk Assessment (HRA) based on the following factors: present danger, multiple previous referrals, and/or presenting case characteristics such as type of alleged maltreatment paired with high vulnerability of the alleged victim.
  2. The Family Assessment Response (FAR) is for referrals with low to moderate risk. RED teams may use discretion to assign the Family Assessment Response (FAR) in assessments alleging a child fatality, near fatality, or egregious incident. If it is determined that a child fatality, near fatality or egregious incident is the result of abuse and/or neglect, the track shall be changed to a High Risk Assessment. Institutional abuse or intrafamilial sexual abuse shall not be assigned the Family Assessment Response (FAR).

3. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.

**7.103.89 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [Eff. 1/1/15]**

- A. Within SIXTY (60) calendar days of receiving a referral alleging abuse and/or neglect from a mandatory reporter listed in Section 19-1-307(2)(e.5)(I), C.R.S., the county department shall notify such individual when:
  1. The county department is aware the individual is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the referral; and,
  2. The mandatory reporter has a need to know in order to fulfill his or her professional and official role in maintaining the child's safety; and,
  3. Unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, a county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement.
- B. The county department shall notify the mandatory reporter of the following information:
  1. The name of the child and the date of the referral;
  2. Whether the referral was accepted for assessment;
  3. Whether the referral was closed without services;
  4. Whether the assessment resulted in services related to the safety of the child;
  5. The name of and contact information for the county caseworker responsible for the assessment; and,
  6. Notice that the reporting mandatory reporter may request updated information within ninety (90) calendar days after the county department received the referral and information concerning the procedure for obtaining updated information.

**7.103.910 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED [Eff. 1/1/15]**

- A. All referrals including the information gathered pursuant to Sections 7.103.1 and 7.103.2 shall be entered into the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day following receipt of the referral.
- B. The initial review shall be documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day following receipt of the referral. The supervisor is to ensure that the review and the documentation have occurred.
- C. The decision to screen out a referral for further action shall be documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the following business day that the decision is made. This shall include an

explanation of the reasons why no further action was needed. The determination to screen out a referral for further action must be approved by a supervisor.

- D. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the ~~state automated case management system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM by the end of the next business day.

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