

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

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

14 Amended Rules

6 New Rules

\_\_\_\_\_ Repealed Rules

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

What month is being requested for this rule to first go before the State Board?	October
---	---------

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

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@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. **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 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

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

[trevor.williams@state.co.us](mailto:trevor.williams@state.co.us)

---

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

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule.

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

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 re-enter 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.

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

#### 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.

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

**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
7.301.2	Revision	The county department shall complete the Family Services Plan document for each child receiving services to assure that the child's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:	The county department shall complete the Family Services Plan document for each child/YOUTH receiving services to assure that the child's/YOUTH's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:	Ensures that this rule also applies to youth.	HB 21-1094 Task Group
7.301.23 (A)	Revision	That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff.	That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff. FOR YOUTH IN FOSTER YOUTH IN TRANSITION CASES, THE ROADMAP TO SUCCESS FULFILLS THIS REQUIREMENT, AS PROVIDED IN 7.203.4 (12 CCR 2509-3).	Clarifies that the RTS can fulfill this requirement.	HB 21-1094 Task Group
7.301.24 (M)	Revision	For youth age fourteen (14) and older, a description of services and a plan for accomplishing tasks to assist the youth in preparation for self sufficiency and independent living as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.	For youth age fourteen (14) and older, a <del>description of services and a plan for accomplishing tasks to assist the youth in preparation for self sufficiency and independent living</del> ROADMAP TO SUCCESS as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.	This plan was renamed to the roadmap to success in 2019 and this aligns the rule with the remainder of references to this document.	HB 21-1094 Task Group
7.301.21(R)(7)	New Rule		YOUTH WHO HAVE AN OPEN CASE THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM ARE PRESUMED TO MEET THE ABOVE REQUIREMENTS FOR A GOAL OF OTHER	This rule clarifies that in foster youth in transition cases an OPPLA goal may be presumed appropriate without requiring all of the	HB 21-1094 Task Group

**Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)**

**CDHS Tracking #: 21-04-28-04**

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

			PERMANENT PLANNED LIVING ARRANGEMENT THROUGH EMANCIPATION. THE GOAL SHALL BE REVIEWED BY THE COURT ON AN ANNUAL BASIS PURSUANT TO 19-7-311, C.R.S.	other extra steps.	
7.304.1 (A)(2)	Revision	Are placed outside their homes because of a temporary emergency removal by law enforcement, court action, or a voluntary placement agreement; and,	Are placed outside their homes because of a temporary emergency removal by law enforcement, court action, <del>or a voluntary placement agreement,</del> OR A VOLUNTARY SERVICES AGREEMENT; and,	Ensures that a Voluntary Placement Agreement will be a valid way to establish placement authority.	HB 21-1094 Task Group
7.304.3	Revision	Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met, .	Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met UNLESS THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-3, 7.203.4.	Ensures that youth seeking reentry through the Foster Youth in Transition Program qualify for placement without need to meet the listed criteria for younger children.	HB 21-1094 Task Group
7.304.4 (A)	Revision	A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A child from age 18 to age 21 continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday and the placement is court ordered.	A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A <del>child</del> YOUTH <del>from age 18 to age 21</del> continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday <del>and the placement is court ordered</del> OR THE YOUTH IS ELIGIBLE FOR AND RECEIVING SERVICES THROUGH THE YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3).	Ensures that eligibility guidelines for youth 18-21 align with the eligibility guidelines in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.4 (C)(6)	New Rule		WHEN THE YOUTH IS RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S RESIDENCE SHALL BE THE COUNTY IN WHICH THE YOUTH RESIDES, BASED ON THEIR SELF ATTESTATION.	Clarifies payment responsibility for youth placed through the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.51 (E)	New Rule		A YOUTH WHO IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.41 (12 CCR 2509-3) HAS	Adds youth who are placed through the Foster Youth in Transition Program.	HB 21-1094 Task Group

**Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)**

**CDHS Tracking #: 21-04-28-04**

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

			ENTERED INTO A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.		
7.304.52 (E)	New rule		E. 7.304.52 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE SERVICES DESCRIBED IN THIS SECTION SHALL BE OFFERED TO THESE YOUTH.	This rule ensures that it is a youth's choice to participate in this program if they are part of the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.52 (F)	Technical Fix	E. The county shall document all efforts in the Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.	E.F. The county shall document all efforts in the Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.	Re-lettering the list.	HB 21-1094 Task Group
7.304.54 (A)	Revision	The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, or a Petition to Review the Need for Placement, and a concurrent plan for cases filed under Section 19-3-102(2), C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to provide a safe, stable, permanent environment for the child as quickly as possible.	The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, or a Petition to Review the Need for Placement, OR A FOSTER YOUTH IN TRANSITION PROGRAM CASE and a concurrent plan for cases filed under Section 19-3-102(2), C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to provide a safe, stable, permanent environment for the child as quickly as possible.	This rule ensures youth participating in the Foster Youth in Transition Program have the findings required by Title IV-E as a part of an annual permanency hearing.  Strikes erroneous punctuation.	HB 21-1094 Task Group
7.304.54 (I)	Revision	For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case	For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case review procedure for youth, EXCEPT FOR YOUTH PARTICIPATING IN	This rule excludes these findings which are unnecessary for this population.	HB 21-1094 Task Group

**Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)**

**CDHS Tracking #: 21-04-28-04**

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

		review procedure for youth:	THE FOSTER YOUTH IN TRANSITION PROGRAM:		
7.304.61 (A)	Revision	The child shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.	The child/YOUTH shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.	Ensures that youth who are placed are also required to have a medical exam as required by IV-E.	HB 21-1094 Task Group
7.304.61 (B)	Revision	Prior to the placement of a child in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child.	Prior to the placement of a child/YOUTH in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child/YOUTH.	Adds youth to this requirement.	HB 21-1094 Task Group
7.304.61 (H)	New Rule		H. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:  1. WITH THE PARTICIPATING YOUTH'S CONSENT, THE	This adds required services for the Foster Youth in Transition Program.	HB 21-1094 Task Group

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

			<p>YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY OR THE COURT FOR WHICH THE YOUTH IS OTHERWISE ELIGIBLE, INCLUDING A SUPERVISED INDEPENDENT LIVING ARRANGEMENT AS DESCRIBED IN 7.305.2(D), AND IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR</p> <p>2. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN THE PLACEMENT MUST FOLLOW ALL OF THE REQUIREMENTS REQUIRED FOR THE COUNTY TO PLACE A CHILD/YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.</p>		
7.304.62 (L)	Revision	Notify the guardian ad litem, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.	Notify the guardian ad litem AND/OR THE YOUTH'S COUNSEL, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.	This is necessary to reflect the additional attorney type available if the youth is participating in the Foster Youth in Transition Program,	HB 21-1094 Task Group
7.304.62 (U)	Revision	Assure that each child or youth in out-of-home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth.	Assure that each child or youth in out-of-home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth. EXCEPT FOR YOUTH RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM.	This requirement is not needed for youth participating in the Foster Youth in Transition Program. 7.304.64	HB 21-1094 Task Group
7.304.64	New rule		YOUTH PARTICIPATING IN THE FOSTER YOUTH	Due to the nature of the	HB 21-

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

[trevor.williams@state.co.us](mailto:trevor.williams@state.co.us)

(l)			IN TRANSITION PROGRAM ARE NOT REQUIRED TO HAVE A VISITATION PLAN WITH THEIR PARENT(S).	Foster Youth in Transition Program, visits with parents would not be required as the youth is an adult.	1094 Task Group
7.305.2 (D)(1)	Technical Fix	YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:	YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:	This needs to be lowercase in rule.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

**STAKEHOLDER COMMENT SUMMARY**

**Development**

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

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 Childs 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

**Title of Proposed Rule:** Extended Foster Care & Re-Entry (12 CCR 2509-4)

**CDHS Tracking #:** 21-04-28-04

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

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

---

*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.

A Douglas County supervisor expressed concerns that the supervised independent living placement (SILP) must be offered to all youth who request to be placed on a SILP and the possibility that a youth who receives funds directly could misuse those dollars or place the youth in an unsafe situation. After significant conversation the individual's questions and concerns were resolved through guidance provided by program staff which would allow those payments to go directly to landlords if needed. Additionally, the statute requires that participating youth be given a voice in their living arrangements. Ultimately, if there are concerns or disagreements between a participating youth and county department regarding the use of a SILP, a court with jurisdiction over the case will make the decision of how to proceed.

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 2509-4)

**7.301.2 FAMILY SERVICES PLAN REQUIREMENTS [Eff. 09/1/07]**

The county department shall complete the Family Services Plan document for each child/YOUTH receiving services to assure that the child's/YOUTH's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:

- A. A child/youth's safety is paramount;
- B. Children/youth belong in families;
- C. Families need the support of communities; and,
- D. Community partners are key to achieving strong outcomes for children/youth and families.

\*\*\*\*\*

**7.301.23 Family Service Plan Documentation**

The treatment/prevention plan in the Family Services Plan shall document:

- A. That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff. FOR YOUTH IN FOSTER YOUTH IN TRANSITION CASES, THE ROADMAP TO SUCCESS FULFILLS THIS REQUIREMENT, AS PROVIDED IN 7.203.4 (12 CCR 2509-3).
- B. That placement prevention strategies for the child/youth allow the child/youth to remain safely at home or with kin.
- C. That services to be provided are designed to assure that the child/youth receives safe and proper care.
- D. That services to be provided are culturally and ethnically appropriate and trauma-informed. Appropriate cultural or ethnic considerations should include, but are not limited to, consideration of the child/youth's family, community, neighborhood, faith or religious beliefs, school activities, friends, and the child/youth's and family's primary language.

\*\*\*\*\*

**7.301.24 Family Service Plan Out-of-Home Placement Documentation**

For child(ren)/youth in out-of-home placement, the Family Services Plan documents:

- A. The child/youth meets all of the out-of-home placement criteria listed in Section 7.304.3.
- B. When the child/youth is part of a sibling group and the sibling group is being placed out of the home, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth in order to sustain family relationships. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the

children/youth. The county shall make reasonable and continued efforts to locate a joint placement for all of the children/youth in the sibling group unless:

- (1) it is not in the best interests of the children/youth to be placed as a group as determined by the county in consultation with the family, youth, and gal when possible, and
- (2) these efforts do not unreasonably delay permanency for any child/youth.

These efforts depend upon the county's ability to locate an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group. As soon as practicable after making a decision affecting sibling placement, the county department shall notify the GAL(s) appointed to the case. Efforts to place siblings as a group shall be documented in the Colorado child welfare information system (CCWIS).

- C. The problems to be resolved in order to facilitate reunification of the child/youth and family, and to safely maintain the child/youth in the home.
- D. A description of the type of facility in which the child/youth is placed and the reason(s) the placement is appropriate and safe for the child/youth.
- E. A description of the county's efforts to place the child/youth in reasonable proximity to the home of the parents and to the "school of origin" as defined in § 22-32-138(g), C.R.S. For a child/youth placed a substantial distance from the home of the parent(s), from his or her "school of origin," or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).
- F. A summary of efforts to ensure educational stability as outlined in Section 7.301.241.
- G. That the placement is the least restrictive, safe, and most appropriate setting available consistent with the best interests and specific needs of the child. This includes documentation of initial and on-going efforts to place the child/youth with kin.

If the child/youth is moved to a more restrictive placement after the initial placement, the Family Services Plan documents how the more restrictive placement meets the child/youth's needs.

- H. Health and educational information shall be documented in the State Department's automated system and updated at the time of each case review, including addresses and other contact information about the child/youth's current:
  1. Education providers, including school, school district, and Board of Cooperative Education Services (BOCES) contacts who assist in the coordination of enrollment and services, and the child/youth's academic progress.
  2. Health care providers and the status of health care information.
- I. Specific plans for how the county will carry out any court determinations or orders concerning the child/youth.
- J. A description of the services and resources needed by the foster parents or kinship providers to meet the needs of the child/youth and how those services and resources will be provided.
- K. A description of the services provided to reunite the family, including the plan for visitation, or to accomplish another permanency goal. The visitation plan shall specify the frequency, type of contact, and the person(s) who will make the visit. At a minimum the visitation plan shall provide the methods to meet the following:
  1. The growth and development of the child/youth;

2. The child/youth's adjustment to placement;
  3. The ability of the provider to meet the child/youth's needs;
  4. The appropriateness of the parent and child/youth visitation, including assessment of risk;
  5. The efforts to ensure the child/youth's wishes as to sibling contact were considered;
  6. The child/youth's contact with parents, siblings, and other family members; and
  7. Visitation between the child/youth and his/her family shall increase in frequency and duration as the goal of reuniting the family is approached.
- L. For child(ren) under the age of fourteen (14), a description of services and a plan for accomplishing tasks to prepare child(ren) to be age appropriately self-sufficient, when independent living services are provided.
- M. For youth age fourteen (14) and older, a ~~description of services and a plan for accomplishing tasks to assist the youth in preparation for self-sufficiency and independent living~~ ROADMAP TO SUCCESS as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.
- N. Reasonable efforts have been made to maintain the child/youth in the home, or prevent or eliminate the need for removal of the child/youth from the home, or make it possible for the child/youth to return to the home; or when applicable, documentation of the circumstances that exist in which reasonable efforts to prevent removal or reunite the child and the family are not required (see Section 7.304.53, B, 3).
- O. The specified permanency goal for the child/youth shall be based on the individual needs and best interests of the child/youth. Permanency goals shall include one of the following:
- Remain home;
  - Return home;
  - Permanent placement with a relative through adoption;
  - Permanent placement with a relative through legal guardianship or permanent custody;
  - Adoption (non-relative);
  - Legal guardianship/permanent custody (non-relative);
  - Return home through reinstatement of parental rights;
  - Other planned permanent living arrangement through emancipation;
  - Other planned permanent living arrangement through relative long term foster care;
  - Other planned permanent living arrangement through non-relative long term foster care.

Permanency goals shall include the projected date (month, day, and year) by which the goal is to be accomplished for each child/youth receiving services.

1. The initial permanency goal for the child/youth is to return home with the following exceptions:
    - a. Children/youth whose parents are both deceased or have both voluntarily relinquished custody;
    - b. Children/youth whose parents cannot be located after family search and engagement activities, which shall begin no later than three working days following placement and shall not exceed three months;
    - c. Children/youth whose parents have been guilty of repeated and/or severe abuse or neglect of the child/youth or the child/youth's siblings such that termination of parental rights of both parents is appropriate; or,
    - d. children/youth for whom it appears, after investigation, that a safe return home will not be possible even with the provision of reasonable efforts.
  2. After twelve months, the child/youth's caseworker and supervisor shall include written justification on the Family Services Plan for continuation of the goal of return home.
  3. After eighteen months, the extraordinary circumstances which exist and the reasons which support the permanency goal of return home shall be documented in the Family Services Plan. Approval of the return home permanency goal by the caseworker, supervisor and county administrative review is documented in the case record.
  4. In concurrent planning cases the alternate permanency goal shall be documented.
  5. The permanency goal of other planned permanent living arrangement through emancipation shall only be used for youth ages sixteen to twenty-one.
  6. For a child/youth who has been in foster care under the responsibility of the state for fifteen (15) of the last twenty-two (22) months, the county shall either file a motion for termination of parental rights no later than the end of the fifteenth (15th) month or document and submit to the court at the next review the compelling reason why it is in the child/youth's best interest not to terminate parental rights.
- P. The steps the agency is taking to find an adoptive or other permanent living arrangement for a child/youth for whom the permanency plan is adoption or placement in another permanent home.
- Q. The permanency goal for the child would be to remain home barring case circumstances that would indicate the need for an alternative permanency goal when a teen mother and her child are placed together in the same foster home and if a case is opened on the child. The county must see the child when visiting the teen mother in the foster home.
- R. Requirements for use of Other Planned Permanent Living Arrangement goals as follows:
1. The county department may consider Other Planned Permanent Living Arrangement (OPPLA) as a permanency goal:
 

For youth who are sixteen (16) years of age or over and are demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
  2. The goal shall be reviewed through the use of a family engagement meeting or equivalent team that reviews permanency needs. All of the following shall be submitted to and considered by the review team, and the recommendation shall be submitted to the court.

- a. Documentation pertaining to the completion of an intensive and ongoing examination of kin and permanent connections. This process shall also address:
    - 1) A comprehensive assessment of the youth's strengths and needs. In addition to updating the assessment of the youth's strengths and needs, the updated assessment or staffing shall address the youth's capacity to live within a family setting.
    - 2) This review team shall also consider the youth's desired permanency outcome.
  - b. A detailed description of efforts made to achieve permanency through the other goals and identification of the barriers to achieve them.
  - c. A detailed description of how OPPLA is in the best interest of the youth.
3. The following is to be documented and made available to the court at each court review.
- a. Documentation of the barriers to permanency to date and compelling reasons why the other permanency goals are not attainable.
  - b. Documentation of the youth's desired permanency outcome including giving the youth an opportunity to attend each hearing to voice his/her desired goal.
  - c. Documentation of intensive, ongoing, and as of the date of the hearing, unsuccessful efforts to return the youth home or secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including thorough efforts that utilize technology (including social media) to find biological family members for the youth.
  - d. Documentation of the steps taken to ensure that youth are being supported in-engaging in age or developmentally appropriate activities and social events including:
    - 1) The youth's foster family home or other placement is following the reasonable and prudent parent standard; and,
    - 2) The youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including consulting with the youth in an age-appropriate manner about the opportunities of the youth to participate in the activities).
4. Documentation which includes the review team's reasons for approving Other Planned Permanent Living Arrangement (OPPLA) shall also be entered in the Family Service Plan as directed by the Division of Child Welfare.
5. The use of this goal shall be reviewed by a family engagement or equivalent review team at a minimum of every six (6) months. The county shall request that the court review the case every twelve (12) months to determine if the youth is demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
6. If this goal is not achieved through relative care, a family-like network of significant people shall be developed to provide the youth with a sense of belonging and with support expected to endure over a lifetime.
7. YOUTH WHO HAVE AN OPEN CASE THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM ARE PRESUMED TO MEET THE ABOVE REQUIREMENTS

FOR A GOAL OF OTHER PERMANENT PLANNED LIVING ARRANGEMENT THROUGH EMANCIPATION. THE GOAL SHALL BE REVIEWED BY THE COURT ON AN ANNUAL BASIS PURSUANT TO 19-7-311, C.R.S.

S. Reinstatement of Parental Rights

1. The county department of human or social services may explore the use of reinstatement of parental rights as a permanency option for:
  - a. Children twelve (12) years of age and older, or child(ren) younger than twelve (12) years of age if they are part of a sibling group where at least one of the child(ren) or youth is twelve or older and is pursuing reinstatement of parental rights; and,
  - b. Child(ren) younger than twelve (12), if they are part of a sibling group where at least one of the child(ren) is twelve or older, and is pursuing reinstatement of parental rights; and,
  - c. Child(ren) who currently do not have a legal parent; and,
  - d. Child(ren) who currently are not in an adoptive placement and not likely to be adopted within a reasonable period of time; and,
  - e. Child(ren) who had all other permanency options exhausted; and,
  - f. Cases when the termination of parental rights was ordered at least three-years-prior or when it is determined by the court to be in the best interest of the Child(ren) when termination occurred less than three years prior to the date of the petition for reinstatement is being filed with the court; and,
  - g. Child(ren) and former parent(s) that consent to parental rights being reinstated; and,
  - h. Child(ren) where it is in their best interest, including the financial best interest, to have parental rights reinstated; and,
  - i. Former parent(s) who have remedied the issues that led to the termination and those issues did not involve founded allegations of sexual abuse or an incident of egregious abuse or neglect against a child, a near fatality, or a suspicious fatality.
  - j. The child is in the legal custody of a county department.
2. A county department of human or social services that identifies reinstatement as a permanency option shall complete an assessment of the former parent(s). Completion of the assessment and the results of the assessment will be documented in the statewide case management system. The assessment shall include all of the following:
  - a. Completing the Colorado family risk assessment tool, which must include a visit and inspection of the former parent's home;
  - b. Reviewing the reasons for the termination of parental rights and determining if the concerns identified have been remedied and do not currently exist or present a safety concern;
  - c. Conducting the following background checks on the former parent(s) and any other adults eighteen (18) years of age or older in their home and share the results with all parties to the case:

- 1) Child abuse/and/or neglect records check in every state where any adult residing in the home has lived in the five years preceding the filing of the petition for reinstatement;
  - 2) Fingerprint-based criminal history checks from the Colorado Bureau of Investigation (CBI), or other state background check if the parent lives in another state, and the Federal Bureau of Investigation (FBI);
  - 3) Review the state Judicial Department's case management system and include in the case record; and,
  - 4) Review the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice for:
    - a) Known names and addresses of each adult residing in the home; and,
    - b) Address only of the home.
3. A safety assessment shall be completed.
4. Upon the decision to pursue reinstatement of parental rights; only the county department, guardian ad litem, or a child sixteen (16) years of age or older may file the petition for reinstatement.
- a. The petition for reinstatement of parental rights should be filed in the county who has custody of the child(ren) through the dependency and neglect court case.
  - b. The petition shall be filed in the dependency and neglect court case where the termination of parental rights occurred for the former parent(s) or in the event that the current open dependency and neglect case is a termination of the adoptive parent's rights, then the petition shall be filed in that court case, as it grants custody of the child(ren) to the county.
  - c. If the county is contacted by a former parent inquiring about reinstatement, the county must notify the guardian ad litem (gal) within thirty (30) calendar days after the contact and provide them with the name and address of the former parent(s).
  - d. Once the court sets an initial hearing, the county shall develop and report to the court the following:
    - 1) Whether the former parent(s) has remedied the conditions that led to the termination;
    - 2) Based on the assessment of the former parent, including the outcome of the Colorado family risk assessment tool, the transition plan shall include supports or treatment needed for the child(ren) and former parent(s) to help make the reinstatement a success;
    - 3) Whether the former parent(s) can provide a safe and stable home for the child(ren);
    - 4) A visitation or temporary placement plan with the former parent(s) for up to a six month trial period where custody remains with the department; this plan will be approved or modified at this initial hearing.

- a) Updates about the visits, transition plan, and supports shall be provided at each review hearing and no later than thirty (30) calendar days prior to the expiration of the trial home period.
    - b) At any point the placement is deemed no longer safe or in the best interest of the child(ren), removal shall be in accordance with procedures outlined in Sections 19-3-401 and 19-3-403, C.R.S.
  - 5) Whether the child(ren) will lose or gain any benefits or services (Medicaid, Chafee, etc.) as a result of the reinstatement being granted.
- 5. If the court grants the order, the county shall select reinstatement of parental rights as the closure reason, in the state automated case management system.
- 6. If the court denies the order the county department shall:
  - a. Arrange for immediate placement of the child(ren), if the child(ren) is still in the former parent's home;
  - b. Set a permanency hearing to determine a new permanency goal and plan for the child(ren).

\*\*\*\*\*

**7.304.1 DESCRIPTION [Rev. eff. 1/1/16]**

- A. Placement services are services provided to children in Program Areas 4, 5, and 6 who:
  - 1. Meet the criteria for out-of-home placement and the target group criteria; and,
  - 2. Are placed outside their homes because of a temporary emergency removal by law enforcement, court action, ~~or~~ a voluntary placement agreement, OR A VOLUNTARY SERVICES AGREEMENT; and,
  - 3. Are in a placement approved by the county department.
- B. The range of placement services for children for whom the goal is to return home includes kinship care, foster care homes, specialized group facilities, and residential child care facilities.
- C. The range of placement services for children for whom the goal is not to return home includes adoption, kinship care, foster care homes, specialized group facilities, and residential child care facilities.
- D. Placement options in this section do not apply to American Indian/Native Alaskan children. Refer to Section 7.309.7 for order of placement preference as required by the Indian Child Welfare Act.

\*\*\*\*\*

**7.304.3 OUT-OF-HOME PLACEMENT CRITERIA**

Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met UNLESS THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-3, 7.203.4.

Criterion 1: The child may be at imminent risk of out-of-home placement, as defined in Section 26-5.3-102(1)(b), C.R.S., because one or more of the following conditions exist:

- A. Abandonment by or incarceration of parents/relatives/caretakers;
- B. Abuse/neglect - as defined in the Children's Code;
- C. Domestic violence - as defined in Section 18-6-800.3, C.R.S.;
- D. Conditions that exist to such a degree for either the child or caretaker so that the caretaker is unable to care for the child:
  - 1. substance abuse; drug exposed infants
  - 2. mental illness
  - 3. disability
  - 4. physical illness
  - 5. homelessness
- E. Beyond control of parents;
- F. Danger to self, others, or community;
- G. Infant or young child of teen parent in placement;
- H. Delinquency - adjudicated delinquent meeting current out-of-home placement criteria written pursuant to Section 19-2-212, C.R.S.;
- I. Relinquishment or termination of parental rights;
- J. Child returning home from out-of-home placement or moving to less restrictive level-of-care.

Criterion 2: Before considering placement, an assessment is completed to determine the level of risk. If assessment of risk determines that the child is at imminent risk of out-of-home placement, then child/family strengths are determined, and the appropriate services and/or community supports (reasonable efforts) needed to address the existing Criterion #1 conditions are identified. When these services are not immediately available, or are absent, unsuccessful, or exhausted, placement in the Core Services Program and/or out-of-home may be considered.

Reasonable efforts include the intervention strategies and advocacy efforts used:

- A. To identify/locate appropriate parent/relative/caretakers if necessary to prevent out-of-home placement;
- B. To assess the parent/relative/caretaker's ability to protect children;
- C. To assist the parent/relative/caretaker and/or child in accessing and utilizing the identified services to address the presenting conditions.

Criterion 3: When placement is the best choice of available options/alternatives at this time to reduce risk to the child while continuing reasonable efforts to resolve the conditions which led to imminent risk, then, placement in the Core Services Program and/or out-of-home may occur.

**7.304.4 AGE AND RESIDENCY REQUIREMENTS AND PAYMENT RESPONSIBILITY FOR CHILDREN/YOUTH IN OUT-OF-HOME CARE [Rev. eff. 4/1/13]**

- A. A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A ~~child~~ YOUTH ~~from age 18 to age 24~~ continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday ~~and the placement is court ordered~~ OR THE YOUTH IS ELIGIBLE FOR AND RECEIVING SERVICES THROUGH THE YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3).
- B. All children residing or present in the state are eligible for placement services when the criteria in the Target Group sections 7.201, 7.202, and 7.203, the Out-of-Home Placement Criteria section 7.304.3, and the Authority for Placement section 7.304.51, are met.
- C. The child's county of residence shall be the county department which has financial and case decision-making responsibility for a child in out-of-home placement shall be the child's county of residence. The child's residence follows the parents' residence unless one or more of the following circumstances exist:
1. When the parent-child legal relationship has been terminated, the child's residence is the county in which the county department has legal custody of the child.
  2. When the court has transferred legal custody to a county department and the parent-child legal relationship has not been terminated, the child's residence is that county until the court transfers custody to some other entity, including changes of venue as described in the following section, 7.304.4, E.
  3. When a county department has legal custody and the court has also appointed a guardian, the child's residence is that of the county department holding legal custody.
  4. When a child is in parental custody, the child's residence is that of the parents, or of the last caretaker parent, unless there is a court order giving custody to one of the parents. In that case, the child's residence is that of the parent with legal custody.
  5. When a child is in the legal custody of an individual, the child's residence is that of the individual.
  6. WHEN THE YOUTH IS RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S RESIDENCE SHALL BE THE COUNTY IN WHICH THE YOUTH RESIDES, BASED ON THEIR SELF ATTESTATION. ANY CHANGES OF JURISDICTION FOR THIS POPULATION SHALL BE DETERMINED AS DESCRIBED IN 7.203.43(A)(4).
- D. Residence for school purposes may be determined on other factors, such as the type of facility in which the child is placed or the legal status of the child. See Educational Assessments in the Assessment and Case Planning section.
- E. The county department shall transfer financial and service planning, and financial responsibility as follows:
- If a parent whose residence is used to determine the county department's financial responsibility for a child in out-of-home placement moves to another Colorado county, the county department shall initiate procedures to transfer the financial responsibility to the new county, unless:
1. The court or the county department finds that the transfer of jurisdiction would be detrimental to the best interest of the child(ren); or,

2. The legal custodian has a history of frequent moves, except when there is evidence of stability in the most recent move, such as a signed lease whose term is six or more months, or there is other firm evidence of the intent to remain in the new residence for six or more months; or,
  3. The case is within 3-6 months of resolution; or,
  4. The custodial parent is committed to a state mental institute or correctional facility; or,
  5. The custodial parent is residing temporarily in the receiving county to receive rehabilitation services, employment training, education, medical care, or shelter services; or,
  6. Adjudication has not taken place; or,
  7. Change in venue hinders achieving the child's permanency goal; or,
  8. The case is an expedited permanency planning case, unless pursuant to Section 19-3-201(2), C.R.S., wherein it states that it shall be presumed that any transfer of proceedings without good cause shown that results in a delay in the judicial proceedings would be detrimental to the child's best interest. Such presumption may be rebutted in court by preponderance of evidence; or,
  9. When parental rights have been terminated for the child(ren); or,
  10. If the case involves a juvenile for whom a juvenile delinquency filing has been made, pursuant to Section 19-2-105(1)(b), C.R.S.
- F. Each county shall designate a Change of Venue coordinator.
- G. When a motion for a Change of Venue has been made by the sending county, the sending county shall mail the Change of Venue motion to all parties and attorneys of record in the case and to the county attorney in the receiving county.
- H. Within fifteen (15) calendar days after a court signs an order granting a Change of Venue and transferring jurisdiction, the sending county shall:
1. Provide written case information, if not located in the state automated system, to the designated Change of Venue coordinator in the receiving county which shall include, but need not be limited to:
    - a. Permanency goals;
    - b. Target dates related to the case;
    - c. Evaluations;
    - d. A current Family Services Plan;
    - e. Court reports;
    - f. Dates of placement moves;
    - g. Progress of the child(ren) in placement;
    - h. All Title IV-E eligibility determinations; and,

- i. Recommendations for continuing progress in the case.
  - 2. Update all documentation in the case file and in the state automated system.
  - 3. Provide information, to the extent known, concerning the physical location of the child's parents, guardians, legal custodians, and relatives.
  - 4. Prepare the case for transfer by:
    - a. Scheduling a family engagement meeting involving all parties, county department caseworkers and supervisors, and community providers; or,
    - b. Conducting a case staffing between county caseworkers and supervisors in the sending and receiving county departments; or,
    - c. Submitting a written case transfer summary.
  - 5. Forward a complete copy of the case file from the sending county attorney's office to the receiving county attorney's office. Privileged attorney-client communications do not need to be included in the transferred case file.
- I. The child, family, and foster care provider shall be prepared for the transition by the sending county department.
  - J. The sending county department is responsible for financial and service planning for the case and for payment of services through the calendar month in which the Change of Venue becomes effective. This date is to be confirmed by the sending county department in writing and there shall be no lapse in financial coverage during this process. If venue does not change, the sending county department retains financial responsibility.
  - K. The receiving county department shall provide courtesy supervision and available services during this transition. If venue does not change, the sending county department retains financial responsibility.
  - L. If a child is born while the mother is committed to a state mental institute or correctional facility, the county of residence prior to commitment shall be the county of fiscal responsibility.
  - M. When a child is placed for adoption, the county department holding legal custody and guardianship shall have fiscal responsibility for the child until the adoption is finalized.
  - N. If a child needs placement out of the home following finalization of adoption, the child's residence is that of the adoptive parents.
  - O. Residence related to subsidized adoption is addressed in the Adoption Services section.

\*\*\*\*\*

**7.304.51 Authority for Placement**

The county department shall ensure that a child may enter any out-of-home placement only when:

- A. Target group and placement criteria are met; and,
- B. An emergency is determined to exist and s/he is removed from the home by a law enforcement officer, with or without a court order, or,

- C. A parent has signed a voluntary placement agreement under conditions established by the county department and according to the Children's Code; or,
- D. A juvenile court, or a court acting as a juvenile court (including a tribal court), has ordered the child to be placed out of the home and has transferred legal custody to the county department or a social services department of a federally recognized Indian tribe, for placement in a family care home or other child care facility.; OR,
- E. A YOUTH WHO IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.41 (12 CCR 2509-3) HAS ENTERED INTO A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.

\*\*\*\*\*

**7.304.52 Family Search and Engagement**

- A. Family search and engagement shall:
  - 1. Be commenced for the noncustodial parent within three (3) working days. The county department must provide notification to the absent parent of the following:
    - a. The child or youth has been removed from the home; and,
    - b. The option to participate in the care, treatment, or placement of the child or youth.
  - 2. Be completed within thirty (30) calendar days for all grandparent(s) and other adult relatives or the parent of a sibling of a child/youth who has been removed from his/her legal custodian's home. The latter shall not be construed as subordinating the rights of foster or adoptive parents of a child or youth to the rights of the parents of a sibling of the child or youth. The county department of human or social services shall provide notification of the following information:
    - a. The child or youth has been removed from the home;
    - b. Options to participate in the care or placement of the child or youth;
    - c. Options that may be lost by failing to respond to the notice;
    - d. The requirements to become a foster parent, and services and supports available to the child and/or youth placed in the family foster care home; and,
    - e. A description of the Relative Guardianship Assistance Program.
- B. The county department shall assure that:
  - 1. Parents are consulted regarding their suggestions for appropriate caretakers.
  - 2. Children and youth are consulted as appropriate regarding their suggested relative caretakers.
  - 3. When the court orders a delay in contacting specific relatives for good cause including, but not limited to, domestic or other family violence, then the county department shall discontinue the family search and engagement involving the relative until otherwise authorized by the court.

- C. Family search and engagement shall occur for all children including American Indian/Alaskan Native children and youth at least every six (6) months throughout the life of the case until the child or youth has achieved permanency, except as noted in Section 7.304.52, B, 3, or when the following conditions exist:
  - 1. A placement is stable with a relative or kin a minimum of six (6) consecutive months; and,
  - 2. The relative or kin has committed to the legal permanence of the child or youth; and,
  - 3. There is agreement among the parties that the relative or kin is the appropriate permanent option, the juvenile or district court finds it is the appropriate permanency plan, and it is in the best interest of the child or youth that family search and engagement be discontinued.
  - 4. A non-relative foster care parent without a prior relationship to a youth twelve (12) years of age or older and his/her siblings residing in the same placement commits to the permanency of the youth and children. in addition, the juvenile or district court adopted a permanency plan of guardianship or Allocation Of Parental Responsibilities (APR) and the requirements in section 7.311.1, c, 2 (relative guardianship assistance program) are met.
  
- D. A family engagement meeting shall occur within thirty (30) calendar days when any of the following conditions exist:
  - 1. The child or youth is in a family-like permanent setting without the provider expressing formal intent to provide legal permanence at the time that any of the following conditions exist:
    - a. The child or youth has been in out-of-home placement fifteen (15) of twenty-two (22) months; or,
    - b. The child or youth has had two (2) or more unplanned moves within a twelve (12) month period; or,
    - c. The child or youth is assigned a permanency goal of Other Planned Permanent Living Arrangement (OPPLA).
  - 2. The child or youth is in out-of-home placement in a non-family-like setting without an approved permanency plan and any of the conditions in Section 7.304.52, D, 1, a-c, exist.
  
- E. 7.304.52 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE SERVICES DESCRIBED IN THIS SECTION SHALL BE OFFERED TO THESE YOUTH.
  
- EF. The county shall document all efforts in the Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.

\*\*\*\*\*

**7.304.54 Court Procedures Related to Permanency Planning [Rev. eff. 3/1/16]**

- A. The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, ~~or a~~ Petition to Review the Need for Placement, OR A FOSTER YOUTH IN TRANSITION PROGRAM CASE and a concurrent plan for cases filed under Section 19-3-102(2),

C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to provide a safe, stable, permanent environment for the child as quickly as possible

- B. The county department shall submit this plan at the permanency court hearing. That hearing must be held before twelve (12) months have elapsed from the date of the child's original out-of-home placement, and shall be held as soon as possible following the dispositional hearing. Following the initial permanency hearing, subsequent permanency hearings must be held every twelve months thereafter while the child remains in out-of-home care. These hearings shall be combined with a periodic review when possible.
- C. The county department shall provide the court with documentation of the efforts made by the department to finalize the permanency plan for the child. The county department shall request the court to make a finding (if the evidence so warrants) that the department made reasonable efforts to finalize the permanency plan for the child.
- D. Paper reviews, ex parte hearings, agreed orders or other actions or hearings which are not open to the participation of the parents of the child (if appropriate age) and foster parents or pre-adoptive parents are not permanency hearings.
- E. When the court determines that reasonable efforts to return the child home are not required, the county shall request that the permanency hearing be held no later than thirty (30) calendar days after such court determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which such a determination is made.
- F. The county department shall ensure and document that a request is made to the court for such a hearing in sufficient time to assure that the hearing is held within the twelve (12) month time frame. Permanency hearings shall be combined with a review hearing when possible.
- G. The county department shall include, in the permanency plan, recommendations to the court on either:
  - 1. Returning the child to his/her parent or guardian within the next six months; or,
  - 2. Permanent placement with a relative through adoption; or,
  - 3. Permanent placement with a relative through guardianship or permanent custody; or,
  - 4. Adoption (non-relative); or,
  - 5. Legal guardianship/permanent custody (no-relative); or,
  - 6. Return home through reinstatement of parental rights; or,
  - 7. Other planned permanent living arrangement through emancipation; or,
  - 8. Other planned permanent living arrangement through relative long term foster care; or,
  - 9. Other planned permanent living arrangement through non-relative long term foster care.
- H. For permanency goals 8 or 9, the county department shall ensure that the plan contains the name or other identifier, such as the system provider number, if the name of the provider must be kept confidential, of the specific placement and the date that placement shall end.
- I. For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case

review procedure for youth, EXCEPT FOR YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:

1. At each permanency hearing held with respect to the youth, provide documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to address the following:
    - a. Return the youth home;
    - b. Secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent; and,
    - c. Include efforts that utilize search technology (including social media) to find biological family members for the youth.
  2. Provide compelling reasons why it continues not to be in the best interests of the youth to return home, be placed for adoption, with a legal guardian, or with a fit and willing relative.
- J. The county department shall request that the court order contain specific findings regarding the above goals.
- K. The county department shall assure that the permanency hearings determine whether an out-of-state placement continues to be appropriate and is in the best interest of the child.
- L. The county department shall assure that the permanency hearings determine whether the permanency plan includes services for a successful adulthood for a child fourteen years of age or older.
- M. Permanency hearings are required to be held if a termination is under appeal, for children placed in a permanent foster home with a specific caregiver, and for children who are free for adoption and are placed in adoptive homes pending the finalization of the adoption.
- N. The county department shall file for termination of parental rights no later than the end of the 15th month of placement for any child who has been in foster care under the responsibility of the state for 15 of the last 22 months unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- O. The county department shall file for termination of parental rights no later than sixty (60) calendar days after the court determines that the child is an abandoned infant, unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- P. The county department shall file for termination of parental rights no later than sixty (60) calendar days after a judicial determination is made that reasonable efforts to reunify the child with the parent are not required, unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- Q. The county department shall discuss the purpose and responsibilities of relative guardianship with the parents or legal custodian of a youth or child and the importance of achieving permanency.

\*\*\*\*\*

**7.304.61 Pre-Placement Activities**

- A. The child/YOUTH shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is

consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.

- B. Prior to the placement of a child/YOUTH in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child/YOUTH.
- C. When the child/youth is part of a sibling group and the sibling group is being placed out of the home, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth in order to sustain family relationships. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the children/youth. The county shall make thorough efforts to locate a joint placement for all of the children/youth in the sibling group unless:
  - 1) It is not in the best interests of the children/youth to be placed as a group and
  - 2) These efforts do not unreasonably delay permanency for any child.

These efforts depend upon the county's ability to locate an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group. Efforts to place siblings as a group shall be documented in the child/youth's case record.

- D. The county department shall share all available information about the child, including relevant social, medical and educational history, behavior problems, court involvement, parental visitation plans, and other specific characteristics of the child, with the provider before placement. It shall share additional information when obtained. The county department shall inform foster parents of court hearings involving children in care.
- E. A child's foster care placement shall not be delayed in order to recruit a same race home when a foster family is available who is of other ethnic or racial identity than that of the child.
- F. The county department shall document all pre-placement activities in the case file.
- G. The county department shall execute the Provider Contract and Agreement with county department certified foster homes and county department sponsored group homes, and the agreement to purchase Child Placement Agency or Residential Child Care Facility services with Child Placement Agencies and Residential Child Care Facilities before placement. The Agreement to Purchase form is child specific and shall be completed for each child placed through a Child Placement Agency or with a Residential Child Care Facility.
  - 1. Placement contracts shall specify the responsibilities of the provider and the county department in the services to be delivered to the child and family in conjunction with the Family Services Plan. The placement contracts shall also require twenty-four (24) hour out-of-home care facilities to have staff present and trained in how to make decisions using the reasonable and prudent parent standard when approving extracurricular, enrichment, cultural, and social activities; and,
  - 2. County departments shall provide twenty-four (24) hour out-of-home care providers with a copy of the policy that identifies activities that providers trained in the reasonable and prudent parent standard may approve, and activities that require county department approval.

- H. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:
1. WITH THE PARTICIPATING YOUTH'S CONSENT, THE YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY OR THE COURT FOR WHICH THE YOUTH IS OTHERWISE ELIGIBLE, INCLUDING A SUPERVISED INDEPENDENT LIVING ARRANGEMENT AS DESCRIBED IN 7.305.2(D), AND IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR
  2. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN THE PLACEMENT MUST FOLLOW ALL OF THE REQUIREMENTS REQUIRED FOR THE COUNTY TO PLACE A CHILD/YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

\*\*\*\*\*

**7.304.62 Placement Activities**

The county department shall:

- A. Give the provider a written record of the child's/youth's admission to the home at the time of placement.
- B. Give the provider a written procedure or authorization for obtaining medical care for the child and assure that the provider receives the child's/youth's state identification number and Medicaid card for Medicaid eligible children in a timely manner.
- C. Give the provider a copy of the Family Services Plan for the child/youth at the time of placement or when it is completed following placement.
- D. Document the above placement activities in the case file.
- E. Add the placement in the Department's automated reporting system prior to the next payroll.
- F. Within four weeks of the initial placement, give the provider a complete medical history for the child. The medical history shall contain, to the maximum degree possible, the information listed in the Department of Human Services Health Passport.
- G. Provide the child/youth with a full medical examination scheduled within fourteen (14) calendar days after placement and a full dental examination scheduled within eight (8) weeks after placement. The schedule of the appointments shall be documented in the case record. The county department shall maintain the medical and dental information in a record which is kept with the child/youth during placement and upon return home, emancipation, or adoption. The county department shall document that ongoing medical and dental care is provided in a timely manner as defined by the department and by the health care provider. If the child/youth received the required full medical examination at the time of the placement, then the regular schedule of appointments should be maintained in subsequent placements.
 

If the governor or local government declares a disaster or emergency, and because of the declared disaster or emergency the medical and dental exams cannot be completed for the child/youth in the required time frame, the medical exam and dental exam must be completed as soon as possible, but no later than 45 calendar days after the declared conclusion of the disaster or emergency.
- H. Document the exceptional circumstances which require an emergency or temporary placement to last longer than sixty (60) calendar days.
- I. Except in emergency situations, make subsequent placements according to court order and shall notify all parties to the extent possible.

- J. Not move a child from one short-term emergency placement to another unless all reasonable efforts to return the child to the child's home or to place the child in a more permanent setting have been exhausted and are documented in the Family Services Plan.
- K. Not move a child more than twice unless such move results in a permanent placement or is determined to be in the best interests of the child and the reasons for the additional move are documented in the child's Family Services Plan.
- L. Notify the guardian ad litem AND/OR THE YOUTH'S COUNSEL, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.
- M. If it is in the best interest of each sibling, the county department shall notify the siblings of any child/youth in foster care or kinship care, of sibling placement and changes in sibling placement, catastrophic events, or other circumstances, including but not limited to significant life events, as defined by the county department and in consultation with the family, youth and GAL when possible.
- N. Provide notice of, and a right to be heard at, any Administrative Review to the child/youth (if age appropriate), foster parents, pre-adoptive parents, or relatives providing care to a child/youth and, upon written request, a written notice of the court hearing, which identifies the following:
  - 1. The child/youth's current court case number;
  - 2. The date and time of the next court hearing; and,
  - 3. The name of the magistrate or judge and the court division to which the case was assigned.
- O. Upon receipt of written notice by a foster parent, employees of State and county departments, or others with the need to know, are prohibited from releasing personally identifying information about a foster parent, other than the first name, to any adult member of the foster child/youth's family, unless the foster parent subsequently provides written consent for the release of information.
- P. Provide at the time of initial placement and at least annually thereafter to the child(ren)/youth contact information for all siblings in foster care, which may include a telephone number, address, social media accounts, and e-mail address, unless a foster parent has requested the foster parent's identifying information not be disclosed, and to receive updated photos of siblings regularly by mail or e-mail, as appropriate.
- Q. Refer to Section 7.406.1, F, for the applicable criteria when a child/youth will be absent from the designated out-of-home placement and the county elects to reimburse the provider using the seven (7) day or thirty (30) day policy.
- R. Allow out-of-home care providers, who are trained in a reasonable and prudent parent standard, to authorize children and youth to participate in community-based activities without the need for a fingerprint-based criminal record background check for the adult(s) involved in the activities. A decision to allow participation shall be based on trained providers using a reasonable and prudent parent standard, as defined in Section 7.701.200, A (12 CCR 2509-1), and the procedures defined in Section 7.701.200 (12 CCR 2509-8).
- S. Respond to issues related to human trafficking as outlined in Section 7.303.4.
- T. If a disqualifying factor (refer to Section 7.000.2 (12 CCR 2509-1)) is identified following the placement of a child and/or youth in a non-certified kinship care home, the county 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 in the contact log in the resource section or in the record:

1. The circumstances of the placement;
  2. The vulnerability of the child and/or youth, including age and development;
  3. Safety issues impacting the child and/or youth;
  4. Supports needed by the non-certified kinship caregiver(s);
  5. Identify alternative solutions to removal of the child and/or 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:
    - a. Risk and safety;
    - b. Level of functioning;
    - c. Strengths;
    - d. Specific concerns to be addressed;
    - e. Services and supports needed; and,
    - f. Changes that must occur to mitigate the concerns.
  6. When the disqualifying factor cannot be mitigated, the alternative solution and plan does not resolve the concerns about appropriateness of the placement, or timeframes are not met, the county department shall remove the child /youth from the placement.
- U. Assure that each child or youth in out –of –home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth, EXCEPT FOR YOUTH RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM.

\*\*\*\*\*

**7.304.64 Visitation and Supervision**

- A. Contact between the county department and the child/youth shall be documented in the child/youth's case record.
- B. In all cases where counties have primary responsibility for a child/youth in out-of-home placement, an appropriate visitation plan shall be established and documented in the Comprehensive Child Welfare Information System (CCWIS). The visitation plan shall specify the frequency and type of contact by the parents (unless parental visitation is determined to be detrimental to the child/youth, siblings, and others with the child/youth, as appropriate. At a minimum, the visitation plan should provide methods to meet the following interests and needs of the child/youth:
  1. The growth and development of the child/youth;
  2. The child/youth's adjustment to the placement;
  3. The ability of the provider to meet the child/youth's needs;

4. The appropriateness of parent and child/youth visitation, including assessment of risk;
  5. The child/youth's contact with parents, siblings, and other family members;
  6. The child/youth's permanency plan.
- C. Child(ren)/youth in foster care shall receive an age-appropriate and developmentally appropriate document from the county department detailing their rights regarding sibling contact:
1. Within thirty days of the date of any placement or any change in placement;
  2. On each occasion that a child/youth's case plan is modified;
  3. At each placement where the child(ren)/youth resides; and
  4. On at least an annual basis.
- D. The county department shall include information regarding sibling contact in the visitation plan. In doing so the child(ren)/youth shall be consulted about their wishes as to sibling contact. In developing the visitation plan, if it is in the best interests of each sibling, the county department shall:
1. Promote frequent contact between siblings in foster care, which may include telephone calls, text messages, social media, video calls, and in-person visits;
  2. Clarify that sibling contact should not be contingent upon parental contact;
  3. Clarify that restriction of sibling contact should not be a consequence for behavioral problems.
  4. Ensure that timely and regularly scheduled sibling visits are based on individual circumstances and needs of the child(ren)/youth.
- E. Sibling contact should occur with sufficient frequency to promote continuity of the relationships unless:
1. The county department has determined that it is not in the best interests of one or both of the children/youth, or
  2. It has been determined in consultation with the County/City Attorney and the District Attorney That a criminal action is pending in any jurisdiction where either sibling is a victim or witness, and that such sibling contact may have a detrimental effect upon prosecution of the pending criminal action, or
  3. Contact is not permitted because it would violate a known existing protection order pending in any state.
- If, in arranging sibling contact a county department determines that such contact would not be in the best interests of one or both of the siblings, the county department shall deny the request, document its reasons for making the determination in the Comprehensive Child Welfare Information System (CCWIS), and provide the siblings with an explanation for the denial, as permitted under state and federal law. As soon as practicable after making a decision affecting sibling contact, the county department shall notify the GAL(s) appointed to the case
- F. Visitation between the child/youth and his/her family shall increase in frequency and duration as the goal of reuniting the family is approached. The caseworker shall document this increase in visitation in the CCWIS.

- G. The county department will notify parents of any determination which affects their visitation rights. The caseworker shall keep a copy of this notification in the case record.
- H. In cases where the goal is not to reunite the family, the caseworker shall discuss the issue of separation and help define the child(ren)/youth's future relationship with the family. The caseworker shall document this discussion and planning in the (CCWIS).
- I. YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM ARE NOT REQUIRED TO HAVE A VISITATION PLAN WITH THEIR PARENT(S).

\*\*\*\*\*

**7.305.2 SPECIFIC PROCEDURES**

- A. The county department shall assess all youth in foster care who have reached the age of fourteen (14) for services to prepare for adulthood and shall complete the Roadmap to Success part of the Family Services Plan (FSP). This is required regardless of the specified permanency goal of the case plan.
- B. The county department's assessment shall include documentation of:
  - 1. The youth's capacity for self-sufficiency and self-support by reviewing daily living skills, in consideration of their age and appropriate developmental expectations/milestones.
  - 2. An evaluation of individual, family, community, and financial support resources available to promote emancipation or semi-independent living.
- C. Following assessment, the Roadmap to Success (RTS) shall be developed in consultation with the youth, caseworker, care provider(s), and, at the option of the youth, up to two (2) other significant persons chosen by the youth who are not the foster parent or caseworker for the youth and documented in the FSP in the state automated system. If the county department of human or social services has good cause to believe an individual selected by the youth will not act in his or her best interest, the planning team may designate another advocate for the youth.
  - 1. The case plan and court report following a staffing or meeting shall describe the services to help the youth transition to successful adulthood including, but not limited to, participation in on-going opportunities to engage in age and developmentally appropriate activities, and, if the youth is pregnant and/or a parent, the parenting supports provided to the youth..
  - 2. The case plan shall document the rights of the youth to education, health, visitation, court participation, the right to stay safe and avoid exploitation, and the right to receive a credit report annually. A signed acknowledgement that the youth was provided a copy of these rights and that they were explained in an age or developmentally appropriate way shall be included in the case plan.
- D. The county department may utilize a Supervised Independent Living placement for:
  - 1. YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:
    - A. The county has placement and care responsibility.
    - B. Approved supervised independent living placement settings may include an approved college dormitory, transitional living program, an apartment or other private housing, or another age or developmentally appropriate placement.

Professional contact and ongoing support must meet section 7.202.1 requirements.

- C. The use of a supervised independent living placement for youth ages sixteen (16) up to eighteen (18) may only be utilized after considering the youth's developmental needs and assets, supports that are available to the youth, and documentation in case notes that all other options have been exhausted.
- D. For youth ages sixteen (16) up to eighteen (18) placement in a supervised independent living placement must follow a period in out-of-home care.
- E. For counties to be reimbursed for this placement, the youth must be over age 18 and the placement must align with requirements set forth in 7.406.1,q
- F. An update to the existing Roadmap to Success (RTS) must be completed, preferably within 30 days prior to, but no later than 30 days after, the start date of the supervised independent living placement.
- G. The county department shall establish a written policy for the use of supervised independent living placement. The policy shall address the following:
  - I. Assessing each youth's readiness to be successful in a supervised independent living placement, the safety of the placement, the availability of supportive services and resources for youth transitioning into adulthood, any county-specific policies around caseworker contact with the youth, and the process for ongoing review.
  - II. Supervised independent living placement funds shall be provided to the youth and be sufficient to have their needs met as identified in 7.708.26, 7.708.31, 7.708.41, 7.708.42, and 7.708.43, as well as having access to a working telephone and internet.
  - III. Additional supervised independent living placement funds may be provided to the youth as incentive for progress towards and/or achievement of goals.
  - IV. Decisions to withhold supervised independent living placement funds provided to the youth per section (III) shall not reduce the amount provided per subsection (II) and must be according to defined guidelines found in the county policy.
  - V. Defined appeal process and notification procedures for youth whose supervised independent living placement funds under subsection (III) are withheld.
  - VI. Defined process for how and when a supervised independent living placement may be terminated. The policy must address potential termination reasons including, but not limited to, concerns for current or impending danger or court case closure.
- H. A signed copy of the supervised independent living placement agreement and a signed expectations/acknowledgement that the youth was provided a copy of the county guidelines. These documents shall be explained in an age or developmentally appropriate way and shall be included in the case file.
- E. Free Annual Credit Record Report for Youth Fourteen (14) Years of Age and Older in Foster Care

The following steps shall be taken:

1. The county department shall obtain free annual credit report information from the three credit reporting agencies designated by the Department for youth who are in foster care and are at least fourteen (14) years of age, and provide the information to the youth and Guardian ad Litem (GAL);
  2. If the youth objects to obtaining the credit report, the county department shall inform the court and request that the court issue an order authorizing the county to obtain the credit report.
  3. The county department shall maintain a copy of each credit report in the case record; and,
  4. Should the annual report show evidence of any inaccuracies, the county department shall inform the court of the inaccuracies, refer the youth to a Colorado Department of Human Services approved governmental or non-profit entity to resolve the inaccuracies, and inform the GAL of the referral.
- F. The youth, county department caseworker, provider(s), and other representatives of the youth as appropriate, shall jointly develop a detailed, formal emancipation transition plan no more than ninety (90) days prior to the emancipation date of the youth. The plan, signed by all parties, shall include, but need not be limited to, the following:
1. Assurance that the plan meets the specific self-sufficiency/cost of living standard in the county or state where the youth plans to reside.
  2. a plan shall be developed with the youth based on the information from the assessment and the youth's goals.
  3. Personalization at the direction of the youth to meet the individual emancipation needs in order to help prevent homelessness.
  4. Copies of verifiable vital documents required in Section 7.305.5.
  5. Specific options for:
    - a. Housing,
    - b. Health insurance and health care decision-making information,
    - c. Education,
    - d. Local opportunities for safe mentors,
    - e. Continuing after-care support services, and
    - f. Work force supports and employment services.
  6. The plan shall be documented in the State Department's automated system in the Family Services Plan, and a copy given to the youth free of charge.

\*\*\*\*\*