

Title of Proposed Rule:	Review, Evaluate, Direct (RED) Teams	
CDHS Tracking #:	22-06-02-01	
Office, Division, & Program: OCYF, DCW	Rule Author: James Connell	Phone: 720-636-5456
		E-Mail: James.Connell@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***

The Colorado Department of Human Services' Division of Child Welfare is updating Volume 7 administrative rule to increase county department's flexibility in determining when the Review, Evaluate, Direct (RED) Team process is utilized. The purpose of this revision is to increase the amount of time caseworkers are available to respond to assessments of alleged abuse and neglect and conduct casework activities related to safety, permanency and well-being.

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, C.R.S. (2022)	State Board to promulgate rules for programs administered and services provided by the State Department under Titles 26 and 27. Child welfare services are administered by the Department under section 26-1-201(1)(f), C.R.S. (2022).
26-1-111(2)(q), C.R.S. (2022)	State Department shall promulgate rules for determining the risk of harm to a child who is the subject of a child abuse and neglect report setting forth the appropriate response by the county department to such risks.

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
19-3-216, C.R.S. (2022)	State Board shall promulgate rules to determine whether there is child abuse or neglect or if a child is neglected or dependent.

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

If yes, please explain.

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

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

Local communities will benefit from the increased amount of time caseworkers will be able to spend with children, youth and families on casework activities related to safety, permanency and well-being.

Child welfare departments will benefit by the increase in the flexibility and allowing for more time to spend on casework activities related to safety, permanency and well-being.

No groups are anticipated to be adversely impacted by this rule.

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?

A quantitative review of one month of referral data suggested that the RED Team process requires more than 6,000 hours of caseworker and casework supervisor time across the state per month.

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)

No State Fiscal Impact because there is no cost associated with the changes. Current state staff will work with the training team to incorporate the changes into existing trainings and offer new trainings as part of the annual training budget.

County Fiscal Impact

Potential cost savings to county departments as they will be able to reallocate caseworker and supervisor time to activities related to safety, permanency and well-being which may aid in employee retention.

Federal Fiscal Impact

No Federal Fiscal Impact as there are no cost associated with the rule changes.

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

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No other fiscal impact.

4. Data Description

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

As part of the rule drafting process, participants in the workgroup reviewed an analysis of statewide RED Team data, statewide referral data, statewide screen out review data, the Child Fatality Annual Report, and disproportionality data.

5. Alternatives to this Rule-making

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

Alternatives to rule-making were discussed in the stakeholder workgroup. These alternatives included changes to county processes to better maximize flexibility based on rule in its current iteration. Changes put forth in this packet were ultimately found most effective and to be the greatest time and cost savings to county departments.

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OVERVIEW OF PROPOSED RULE

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

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
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7.103.4	<p>7.103.4 Initial Review [Eff. 3/1/18]</p> <p>When available, the county department shall gather the information in Section 7.103.1, A and/or B, and conduct an initial review. The initial review shall decide if no further action is required, if the referral shall be assigned for assessment, the appropriateness of an immediate response to an assessment, the need for red team review, and/or the appropriateness of a referral to prevention services. It shall include, but not be limited to, the following actions:</p> <p>A. Review the child(ren)/youth’s vulnerability as defined in section 7.000.2.</p> <p>B. Review the comprehensive child welfare information system and any available county department files within twenty-four (24) hours for:</p> <ol style="list-style-type: none"> 1. Prior referrals and/or involvement with the alleged victim child(ren), family, and person(s) alleged to be responsible for the abuse and/or neglect; 2. Actions taken; and 3. Services provided to inform whether there is known or suspected abuse and/or neglect or serious threats of harm to a child. <p>C. As available and appropriate, obtain information from collateral sources such as schools, medical personnel, law enforcement agencies, or other care providers.</p>	<p>7.103.4 Initial Review [Eff. 3/1/18]</p> <p>When available, the county department shall gather the information in Section 7.103.1, A and/or B, and conduct an initial review. The initial review shall decide if no further action is required, if the referral shall be assigned for assessment, the appropriateness of an immediate response to an assessment, the need for red RED Team review, and/or the appropriateness of a referral to prevention services. It shall include, but not be limited to, the following actions:</p> <p>A. Review the child(ren)/youth’s vulnerability as defined in section 7.000.2.</p> <p>B. Review the comprehensive child welfare information system and any available county department files within twenty-four (24) hours for:</p> <ol style="list-style-type: none"> 1. Prior referrals and/or involvement with the alleged victim child(ren), family, and person(s) alleged to be responsible for the abuse and/or neglect; 2. Actions taken; and 3. Services provided to inform whether there is known or suspected abuse and/or neglect or serious threats of harm to a child. <p>C. As available and appropriate, obtain information from collateral sources such as schools, COLORADO COURT DATA, medical personnel, law enforcement agencies, or other care providers.</p>		
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		<p>D. All referrals shall be reviewed and approved by a supervisor, and documented in the comprehensive child welfare information system. The review shall include, at a minimum, two certified child welfare staff. If there is disagreement in the determination, the referral shall be reviewed through the red team process.</p> <p>E. Prevention services shall be considered, if available, for screened out referrals.</p> <p>F. When an institutional referral is received regarding county certified foster homes or county certified kinship homes, the certifying county shall be notified. The certifying county shall review the referral for support and service considerations and certification concerns. The notification and review shall be documented in the comprehensive child welfare information system.</p> <p>G. When an institutional referral is received regarding non-certified kinship homes, the custodial county shall be notified. The custodial county shall review the referral for support and service considerations. The notification and review shall be documented in the comprehensive child welfare information system.</p>	<p>D. All referrals shall be reviewed and approved by a supervisor, and documented in the comprehensive child welfare information system. The review shall include, at a minimum, two certified child welfare staff. DOCUMENTATION SHALL PROVIDE JUSTIFICATION FOR THE DECISION. If there is disagreement in the determination, the REFERRAL DISPOSITION AND/OR THE REFERRAL IS DETERMINED TO BE COMPLEX AND/OR UNCLEAR, the referral shall be reviewed through the red + RED Team process.</p> <p>E. Prevention services shall be considered, if available, for screened out referrals.</p> <p>F. When an institutional referral is received regarding county certified foster homes or county certified kinship homes, the certifying county shall be notified. The certifying county shall review the referral for support and service considerations and certification concerns. The notification and review shall be documented in the comprehensive child welfare information system.</p> <p>G. When an institutional referral is received regarding non-certified kinship homes, the custodial county shall be notified. The custodial county shall review the referral for support and service considerations. The notification and review shall be documented in the comprehensive child welfare information system.</p>		
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7.103.71	<p>Red Teams</p> <p>A. County departments shall implement a process utilizing the Red Team framework to review referrals with:</p> <ol style="list-style-type: none"> 1. Child welfare history that includes three (3) or more assessments within the past year regarding the household members in the current referral; 2. Narrative that identifies the alleged victim child(ren)/youth as a child/youth with a vulnerability as defined in section 7.000.2; 3. Two (2) or more screened out non-duplicative referrals with no assessment in the prior twelve (12) months; and/or 4. Criminal history that includes felony and/or misdemeanor convictions related to child abuse and/or neglect, including crimes of violence, domestic violence, and/or unlawful sexual behavior regarding the household members in the current referral. <p>B. County departments practicing Differential Response shall utilize the RED Team process for track assignment decisions when considering the Family Assessment Response (FAR) track on assessments requiring three (3) calendar or five (5) business day response times.</p> <p>C. The Red Team process is not required for review of the following exceptions:</p>	<p>Red RED Teams</p> <p>A. COUNTY DEPARTMENTS SHALL MAINTAIN AND MAKE AVAILABLE THE RED TEAM PROCESS.</p> <p>County departments shall implement a process utilizing the Red Team framework to review referrals with:</p> <ol style="list-style-type: none"> 1. Child welfare history that includes three (3) or more assessments within the past year regarding the household members in the current referral; 2. Narrative that identifies the alleged victim child(ren)/youth as a child/youth with a vulnerability as defined in section 7.000.2; 3. Two (2) or more screened out non-duplicative referrals with no assessment in the prior twelve (12) months; and/or 4. Criminal history that includes felony and/or misdemeanor convictions related to child abuse and/or neglect, including crimes of violence, domestic violence, and/or unlawful sexual behavior regarding the household members in the current referral. <p>B. County departments practicing Differential Response shall utilize the RED Team process for track assignment decisions when considering the Family Assessment Response (FAR) track on assessments requiring three (3) calendar or five (5) business day response times.</p>		
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	<p>1. Referrals necessitating an immediate response;</p> <p>2. Referrals necessitating a response prior to the next business day;</p> <p>3. Referrals alleging institutional abuse and/or neglect; or</p> <p>4. Referrals alleging youth in conflict.</p> <p>D. County departments may choose to utilize the RED team process for the above exceptions.</p> <p>E. The RED team process shall be documented in the framework. The documentation shall reflect the discussion and justification for the decisions.</p> <p>F. All RED team decisions shall be approved by a certified supervisor by the end of the calendar day and documented in the comprehensive child welfare information system by the end of the next business day.</p>	<p>C. The Red Team process is not required for review of the following exceptions:</p> <p>1. Referrals necessitating an immediate response;</p> <p>2. Referrals necessitating a response prior to the next business day;</p> <p>3. Referrals alleging institutional abuse and/or neglect; or</p> <p>4. Referrals alleging youth in conflict.</p> <p>D. County departments may choose to utilize the RED team process for the above exceptions.</p> <p>E B. The RED †Team process shall be documented in the framework. The documentation shall reflect the discussion and PROVIDE justification for the decisions.</p> <p>† C. All RED †Team decisions shall be approved by a certified supervisor by the end of the calendar day and documented in the comprehensive child welfare information system by the end of the next business day.</p>		
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STAKEHOLDER COMMENT SUMMARY

Development

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

Child Protection Task Group (which includes participants from small, medium and large counties), Differential Response Leadership Council, the Administrative Review Division, the Child Protection Ombudsman, Office of Respondent Parent Council, and the Office of the Child’s Representative.

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:

Child Protection Task Group (which includes participants from small, medium and large counties), Differential Response Leadership Council, the Administrative Review Division, the Child Protection Ombudsman, Office of Respondent Parent Council, and the Office of the Child’s Representative.

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?

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Sub-PAC

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

Yes No

Name of Sub-PAC	Child Welfare Sub-PAC		
Date presented	2/2/23		
What issues were raised?			
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	3/2/23		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

Other Comments

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Comments were received from stakeholders on the proposed rules:

Yes No

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.

12 CCR 2509-2

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