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State Services Section

November 17, 2021

Jena Griswold, Secretary of State
Office of the Secretary of State
1700 Broadway
Denver, CO 80290

RE: SOS Correction Tracking Number 2021-00729
Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)
500, 1008, 2500 Department of Human Services
Rule 7.304.651,12 CCR 2509-4

Dear Ms. Griswold,

I have reviewed the correction to the accompanying rule revisions and determined that the matter being corrected is a nonsubstantive error that occurred after adoption, during preparation of the rule for publication, and that the correction is necessary to ensure that the published rule and the corresponding opinion conform to the adopted rules, pursuant to section 24-4-103(11)(d)(II), C.R.S. (2021).

The correction addresses an editing error in the rule, adopted on October 8, 2021, submitted under tracking Number 2021-00400. In preparing the adopted rule for publication, the font in subsection 7.304.651 was inadvertently submitted in all capital letters. This correction changes the font from all capital letters to sentence case for subsection 7.304.651. The correction is nonsubstantive because it only changes the font without changing the substance of the rule.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Virginia Carreno

VIRGINIA CARRENO

Senior Assistant Attorney General



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Details of Tracking Number 2021-00729

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Tracking Number	2021-00729
Type of Filing	Correction
Department	500,1008,2500 Department of Human Services
Agency	2509 Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)
CCR Number	12 CCR 2509-4
CCR Title	CHILD WELFARE SERVICES
Comments	Typographical error made in filing SOS2021-00479.
Contact Details for AG/SOS/OLLS	
AG/SOS/OLLS Name	Kyle Zinth
AG/SOS/OLLS Title	State Board Administrator
AG/SOS/OLLS Telephone	720.602.6807
AG/SOS/OLLS Email	kyle.zinth@state.co.us
Correction Document	<u>AdoptedRules2021-00729.doc</u>

No file chosen

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Qualified Residential Treatment Program Placement Reviews 7.304.651

Definition:

A Qualified Residential Treatment Program (QRTP) Placement Review means a review conducted by the State Department's Administrative Review Division (ARD), that is open to the participation of the parents, legal guardian or custodian of each child or youth, the child or youth (if age appropriate as determined by the caseworker), the QRTP staff, and attorneys of record; and conducted by a placement reviewer, who is not responsible for the case management of, or the delivery of services to the child or youth who is subject to the review.

A. The county department shall participate in the QRTP Placement Review for all children in QRTP placements who meet the criteria for inclusion in the review system.

B. Identification of youth eligible for an ARD QRTP Placement Review

1. Children and youth are eligible for a review conducted by the ARD at or before 90 days of placement in a QRTP.
2. For cases that are court involved, all parties to the case must consent to a review by the ARD. If all parties do not consent the review will remain with the courts.
3. The determination that all parties consent that the ARD will review the placement at 90 days must happen no later than the 60 day court review.
4. For cases that are court involved, the county department shall document that each party consented to the QRTP Placement Review to be conducted by the ARD instead of the court. The county department shall document this consent in the Comprehensive Child Welfare Information System.
5. At each subsequent review the county department will ask the parties in attendance if they consent to the next review being conducted by the ARD. County departments will be responsible for seeking consent for any parties who were not at the review no later than 30 days prior to the next review.
6. In instances of a voluntary placement, the ARD shall review the child or youth's placement no later than 60 days after placement in a QRTP or within 30 days after placement when the qualified individual does not support the QRTP level of care or the child, juvenile, or youth, guardian ad litem, or any party objects to the placement.

C. Scheduling process for ARD QRTP Placement Reviews

1. For cases that are court involved, the county department shall coordinate with the ARD to schedule the review no later than 1 business day after the 60 day court review.
 - a. Scheduling shall include determination of the following:
 - i. Day of the review.
 - ii. Time of the review.

iii. Venue for the review.

2. In instances of a voluntary placement the county will notify the ARD of the need for review no later than two business days after placement and the scheduling process shall commence.
3. If a child or youth leaves the QRTP level of care after a review has been scheduled, the county department must cancel the review and notify the ARD and all parties as soon as possible.

D. Invitations

1. The county department shall invite parents, legal guardian or custodian, the child (if age appropriate as determined by the caseworker), members selected by the child (for children 14 years of age and above), kin, out-of-home care providers, and attorneys of record to the QRTP Placement Review. The county department shall encourage all invitees to attend.
2. The county department shall send letters of invitation to all review participants at least two weeks prior to scheduled reviews, and ensure that invited parties are properly documented in the Comprehensive Child Welfare Information System prior to the time of the review. The parent or Indian custodian and the Indian child's tribe shall be sent letter(s) of invitation at least two weeks prior to the scheduled review by certified or registered mail with return receipt requested. All other invitations may be sent by electronic mail. Invitations shall include date, time, location, and purpose of the review. If the case involves an Indian child, the requirements of the pending court proceedings section of the Indian child welfare act applies. 25 U.S.C. § 1912(a) (2020) is hereby incorporated by reference. No later amendments or editions are incorporated. Copies are available for public inspection by contacting the ARD director during regular business hours at Colorado Department of Human Services, Administrative Review Division, 4045 S. Lowell Blvd., Denver, Colorado 80236; or at a state publications depository library.

E. Review process

1. The county department shall submit evidence:
 - a. Demonstrating that ongoing assessment of the strengths and needs of the child, juvenile, or youth continues to support the determination that the needs of the child, juvenile, or youth cannot be met through placement with a parent, legal guardian, legal custodian, kin caregiver, or in a foster family home; that the placement in a Qualified Residential Treatment Program provides the most effective and appropriate level of care for the child, juvenile, or youth in the least restrictive environment; and that the placement is consistent with the short- and long-term goals for the child, juvenile, or youth as specified in the permanency plan for the child, juvenile, or youth, or as outlined in the family services plan;
 - b. Documenting the specific treatment or service needs that will be met for the child, juvenile, or youth in the placement and the length of time

the child, juvenile, or youth is expected to need treatment or services;
and

- c. Documenting the efforts made by the county department to prepare the child, juvenile, or youth to return home or to be placed with a fit and willing kin caregiver, a legal guardian, legal custodian, or an adoptive parent, or in a foster family.

F. Findings

1. The ARD shall enter copies of Administrative Review findings in the department's Comprehensive Child Welfare Information System and the county department shall include a summary of those findings in court reports.
2. In the event that the ARD disagrees with the placement of a child in a QRTP, it may result in the placement becoming IV-E non-reimbursable if the child does not step down to a lower level of care within 30 days of the ARD determination.

G. Fiscal sanctions

1. Fiscal sanctions and disallowances may occur as a result of QRTP Placement Review that does not identify placement in a QRTP as the most effective and appropriate level of care for the child, juvenile, or youth. Reimbursement is reduced to the average cost of the determined less restrictive type of available placement, unless the child is court-ordered into the more restrictive placement against the recommendation of the county department.
2. The county department shall move the child, juvenile or youth to a lower level of care within thirty (30) calendar days of the QRTP Placement Review finding in order for reimbursement to be uninterrupted. The county department shall provide the ARD with confirmation of the change in placement.
3. If the county department disagrees with the findings of the ARD's QRTP Placement Review, the county department may appeal in writing. An appeal must be received by the ARD within three (3) working days of the receipt of written results of the review.
4. Reimbursement is denied from the date of the review if the county department neither corrects the non-compliance nor appeals the review decision within allotted timelines.

H. Confidentiality

1. Federal confidentiality requirements at 42 U.S.C.A. section 5106a(2)(B)(viii) restrict the use of, or disclosure of, information concerning individuals served by the child welfare agency, and these same rules apply to the QRTP Placement Review process.
2. Section 19-1-307, C.R.S. requires that reports of child abuse or neglect and the name and address of any child, family, or informant or any other

identifying information contained in such reports shall be confidential and shall not be public information. To the extent QRTP Placement Reviews are incorporated in child abuse and neglect records, they shall be confidential.

3. Audio and/or video recording of QRTP Placement Reviews shall not occur without releases of confidentiality forms signed by all parties to the case prior to recording.