

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-5)

CDHS Tracking #: 21-04-28-05

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

Phone: 303-866-4539

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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 2nd Review

Second Board Reading / Adoption

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

Number

6 Amended Rules

3 New Rules

_____ Repealed Rules

_____ Reviewed Rules

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

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

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

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

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

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

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

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107(5)(a), C.R.S. (2021)	State Board to promulgate rules
26-1-109(3), C.R.S. (2021)	State department rules to coordinate with federal programs
26-1-111(2)(a), C.R.S. (2021)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for implementation, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

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

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

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

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

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

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to 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.

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Federal Fiscal Impact

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

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

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

4. Data Description

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

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

5. Alternatives to this Rule-making

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

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

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OVERVIEW OF PROPOSED RULE

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

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.402.1 (D)	Revision	Former foster care or Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.	Former foster care or Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.	Removes former foster care youth from this rule; they are added to a new rule to reduce confusion.	HB 21-1094 Task Group
7.402.1 (G)	New Rule		YOUTH FOR WHOM THE COUNTY HAD PLACEMENT AUTHORITY OR CUSTODY ON OR AFTER THE YOUTH'S 18 TH BIRTHDAY.	This rule moves Medicaid eligibility to its own rule in order to reduce confusion.	HB 21-1094 Task Group
7.404 (C)(4)	New Rule		YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AND THEIR PARENTS.	Excludes Foster Youth in Transition Cases from fees collection.	HB 21-1094 Task Group
7.404.3 (E)	New Rule		WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE DETERMINED BY REQUIREMENTS IN 7.416.2.	Creates clarity that the portion of a youths own expenses they can be expected to contribute to their own living expenses cannot exceed what they can afford.	HB 21-1094 Task Group
7.406.1 (E)	Revision	A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement.	A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement OR THE YOUTH MEETS ELIGIBILITY CRITERIA FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AND HAS AN ACTIVE VOLUNTARY SERVICES AGREEMENT.	Ensures that counties can be reimbursed for services provided to youth participating in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.406.1 (G)	Revision	The out-of-home placement duration for a voluntary Title IV-E child does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).	The out-of-home placement duration for a voluntary Title IV-E child/YOUTH does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, OR PETITION TO OPEN A FOSTER YOUTH IN TRANSITION CASE by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).	Ensures that counties can be reimbursed for services provided to youth participating in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.406.1 (HH)	Revision	A county department documents the lawful presence of children age eighteen (18) and over receiving services other than those	IF REQUIRED BY SECTION 24-76.5-101, 102, OR 103 Aa county department SHALL documents the lawful presence of children age eighteen (18) and over receiving services other than those	Ensures county departments can receive reimbursement for providing housing related	HB 21-1094 Task Group

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		excluded from the definition of a federal public benefit, or -state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S.	excluded from the definition of a federal public benefit, or -state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S., OR SERVICES EXCLUDED FROM THIS REQUIREMENT AS DEFINED AT SECTION 24-76.5-103, C.R.S.	services for youth receiving those services without having to provide proof of citizenship or legal status pursuant to SB21-199 and HB21-1054.	
7.410 (A)	Technical Fix	The State reimburses for a one time physical, dental and psychological examination for individual eligible children in out-of-home care per Section 7.003.3, B, 2 (12 CCR 2509-1).	The State reimburses for a one time physical, dental and psychological examination for individual eligible children in out-of-home care per Section 7.003.3, B, 2 (12 CCR 2509-1) 7.607.3, B, 2 (12 CCR 2509-7).	Cleans up an incorrect cite.	HB 21-1094 Task Group
7.416.2	Revision	This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs.	This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs. AND ANY CONTRIBUTION THE YOUTH IS REQUIRED TO MAKE SHALL BE BASED ON: A. THE PRESUMPTION THAT ABILITY TO PAY ALIGNS WITH STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE OR SIMILAR VOUCHER PROGRAMS. ANY VARIANCE SHALL BE BASED ON THE NEEDS OF THE YOUTH AND: 1. THE NEED TO GRADUALLY REDUCE PAYMENTS IN A MANNER THAT REDUCES POTENTIAL NEGATIVE IMPACTS ASSOCIATED WITH A SUDDEN REDUCTION IN PUBLIC BENEFITS; THIS REDUCTION SHALL NOT BEGIN MORE THAN 120 DAYS PRIOR TO THE PROJECTED END OF PAYMENTS. 2. THE NEED TO PROVIDE STABLE SUPPORT TO THE YOUTH SHOULD THE YOUTH'S INCOME CHANGE RAPIDLY OR UNEXPECTEDLY. 3. ANY VARIANCE AND THE REASON FOR THE VARIANCE SHALL BE DOCUMENTED IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.	Clarifies the basis upon which a county determines the youth's contribution towards their own living expenses when in a SILP.	HB 21-1094 Task Group

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STAKEHOLDER COMMENT SUMMARY

Development

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

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

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

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

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Sub-PAC

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

Yes No

Name of Sub-PAC	Child Welfare		
Date presented	8/10/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

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

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

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

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

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

The rules 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 2509-5)

7.402.1 PROVISION OF SERVICES

Subject to certain income and resource limitations, medical assistance through the Colorado Medicaid program must be provided to certain children and youth receiving child welfare services as follows:

- A. Children and youth for whom the county department is assuming full or partial financial responsibility.
 - 1. Children and youth in foster care, including those who are in supervised independent living placement situations subsequent to being in foster care;
 - 2. Youth committed to the Department of Human Services, Division of Youth Services, who are placed in a non-secure community based residential facility or in supervised independent living placement situations;
 - 3. Children and youth who have a current, signed subsidized adoption agreement;
 - 4. Children and youth receiving Core services who otherwise would be in foster care;
 - 5. Children and youth in subsidized adoption, including adoption placements out of state, who are IV-E eligible or where the state option is in effect until the receiving state can provide Medicaid;
 - 6. Children and youth from Colorado placed in an out of state out-of-home placement by a Colorado county. IV-E eligible children receive Colorado Medicaid until the receiving state can provide Medicaid;
 - 7. Children and youth eligible for Supplemental Security Income, even if they are not receiving cash benefits, who are placed in an out of state foster care setting until the receiving state can provide Medicaid.
 - 8. Children and youth who are eligible for the Relative Guardianship Assistance Program, including relative guardianship assistance placements out of state who are Title IV-E eligible, until the receiving state can provide Medicaid.
- B. Certain children and youth from other states who are placed in Colorado by that state.
 - 1. Children and youth eligible for adoption assistance placed in Colorado by another state;
 - 2. Children and youth placed in an out-of-home placement in Colorado by another state;
 - 3. Children and youth who are eligible for Supplemental Security Income placed in an out-of-home placement in Colorado by another state.
 - 4. Children and youth who are eligible for Relative Guardianship Assistance placed in Colorado by another state and who are Title IV-E eligible.
- C. Children and youth who are receiving child welfare services, living in their own home or the home of a designated relative, and the county department is not assuming full or partial financial responsibility for their care, may be eligible for coverage under other Colorado Medicaid programs for families and children.

- D. ~~Former foster care or~~ Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.
- E. A child who has an acceptable non-citizen status as defined in 10 CCR 2505-10 Section 8.100.3.G and is in the custody of DHS is eligible for Colorado Medicaid and no longer need to meet the five-year waiting period to be eligible for Medicaid.
- F. Beginning January 1, 2014, former Colorado foster care youth, who were under the State's or Tribe's responsibility, when they emancipated from foster care at age eighteen (18) or after, and who were enrolled in Medicaid (IV-E or non-IV-E) under Colorado's Medicaid State Plan at the time of their emancipation, and are under age twenty-six (26); are eligible for Colorado's Former Foster Care Medicaid. Eligible placement types include the following:
 - Kinship family foster care
 - Non certified kinship care
 - Foster home care
 - Group home and group center care
 - Children's Habilitation Residential Program (CHRP)
 - Residential Child Care Facilities
 - Supervised Independent Living Placement programs
 - Youth committed to the Division of Youth Services, living in one of the above, non-secure placements.
- G. YOUTH FOR WHOM THE COUNTY HAD PLACEMENT AUTHORITY OR CUSTODY ON OR AFTER THE YOUTH'S 18TH BIRTHDAY.

7.404 FEES

- A. Fees shall be determined and collected as applicable for the following services in each program area:
 1. Child Welfare Child Care.
 2. Foster care.
 3. Adoptive studies.
 4. Core Services Program services as defined in the state approved Core Services Program plan.
 5. Medical care paid by the county that is not reimbursed by the state.
 6. Other services, such as case services, or custody evaluations.
- B. When both foster care and Core Services Program Services are simultaneously being provided or purchased, the foster care fee schedule shall be applied to the cost of both programs.

- C. Categories excluded from fee collection:
 - 1. Colorado Works categories, except for Supplemental Security Income eligible children in foster care and whose parents are not Colorado Works recipients.
 - 2. Individuals whose income is deemed to a Colorado Works household.
 - 3. Adoptive families who have an approved but inactive adoption assistance agreement and the child is in out-of-home placement.
 - 4. YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AND THEIR PARENTS.
- D. Once the amount of fee is determined, the full amount is to be paid up to the cost of services.
- E. Fees shall be determined for adoptive families as follows:
 - 1. Adoptive families who have an approved Colorado non-Title IV-E adoption assistance agreement, but are currently not receiving adoption assistance payments and the child is in out-of-home placement, are excluded from fee collection.
 - 2. Adoptive families living out of Colorado who have an approved non-Title IV-E adoption assistance agreement whose child is in out-of-home care and the family is being charged a placement fee may request continuation of the adoption assistance payments to assist in the cost associated with the child's out-of-home placement. The plan for the child shall be reunification with the family.
 - 3. Adoptive families who have an approved Colorado non-Title IV-E adoption assistance agreement and the child is in out-of-home placement shall be assessed a placement fee not to exceed the amount of the adoption assistance payment they are receiving under their adoption assistance agreement.
 - 4. Adoptive families who have an approved Title IV-E adoption assistance agreement and the child is in out-of-home placement shall be assessed a fee not to exceed the amount of the adoption assistance payment they are receiving under their adoption assistance agreement.
- F. If a family is receiving purchased services the fees shall be distributed in the following priority:
 - 1. Medical costs for non-Medicaid eligible children
 - 2. Foster care
 - 3. Core Services Program Services
 - 4. Child Welfare Child Care
 - 5. Other services

7.404.3 CHILD'S INCOME

- A. For non-IV-E children, income and other funds, including fees and child support, received by or on behalf of the child, which are more than the amount needed to meet his/her monthly needs,

shall be kept by the county treasurer in a special account or trust fund, or, with the concurrence of the county treasurer, a trust account may be established with the county director as the trustee. See the Finance Manual (11 CCR 2508-1) Such excess funds may be used to meet the child's other needs, such as medical care.

- B. For IV-E foster care children, the county department shall handle payment according to Volume V, Disbursement of Support Collections. All other income is handled the same as for non-IV-E children.
- C. When a child in foster care has income earned from her/his employment, the county department shall consider the following:
 - 1. Income is not a consideration in determining eligibility for foster care.
 - 2. Full-time student - when a foster child is in school full-time, or would be, except for scheduled vacation. The child need not contribute toward the cost of her/his foster care.
 - 3. Part-time student:
 - a. When a child in foster care is a part-time student and employed part-time (less than 30 hours per week), earned income is not considered.
 - b. When the child is employed full-time, the child's own income shall be considered in determining a foster care fee. The guidelines permit the court to consider the child's income in setting the award against the parents.
- D. When a child is in a placement under IV-E Foster Care (Title IV-E) and has income, the county department shall refer the case to the Income Maintenance Division for determination of continuing eligibility for IV-E Foster Care. See the Income Maintenance manual Section on Eligibility for Temporary Assistance to Needy Families (9 CCR 2503-1).
- E. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE DETERMINED BY REQUIREMENTS IN 7.416.2.

7.406.1 THE STATE REIMBURSES WHEN

- A. The county's case record contains required program documentation. For out-of-home placement, documentation shall include the requirements listed under Section 7.304.51 (12 CCR 2509-4), Authority for Placement.
- B. Care is provided after the case is open and before the case is closed.
- C. The child is with a provider in possession of a valid certificate or license, when one is required.
- D. Placement is with an in-state Residential Child Care Facility or Child Placement Agency on the state approved vendor list or with out of state placement providers as approved through the Interstate Compact on the Placement of Children.
- E. A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement OR THE YOUTH MEETS

ELIGIBILITY CRITERIA FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AND HAS AN ACTIVE VOLUNTARY SERVICES AGREEMENT.

- F. A child is absent from an out-of-home placement and the county department elects to reimburse the provider during the absence period for the placement for one of the following reasons:
1. The absence does not exceed seven days per absence, with only one (1) seven-day total reimbursement within thirty (30) calendar days for the following reasons:
 - a. The child has run away,
 - b. Trial home visit,
 - c. Trial provider visit,
 - d. Child in detention; or,
 - e. The child has been kidnapped.
 2. Thirty (30) calendar day absences are allowed for the following reasons:
 - a. Respite (unless care is being provided and it violates Section 7.708.31, D (12 CCR 2509-8) and causes a foster care home to be over capacity); or,
 - b. The absence occurs during the first thirty (30) days of a hospitalization.
 3. For children enrolled in the Children's Habilitation Residential Program Waiver (CHRP), the county may continue payment of the equivalent of the maximum federal Supplemental Security Income benefit during all absences.
- G. The out-of-home placement duration for a voluntary Title IV-E child/YOUTH does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, OR PETITION TO OPEN A FOSTER YOUTH IN TRANSITION CASE by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).
- H. The county department reports an out-of-home or Core Services Program care placement in the Department's automated reporting system within ninety (90) calendar days of its beginning. The State reimburses for retroactive payments not greater than the current and two (2) preceding months.
- I. The county department places children in out-of-home care within the provider's licensed or certified capacity or if the licensed/certified capacity is exceeded with the placement of a sibling group. The county shall document that there are no other appropriate placements available.
- J. A child is in a Child Placement Agency or Residential Child Care Facility within Colorado for longer than ten (10) working days and an agreement to purchase Child Placement Agency or Residential Child Care Facility services is completed for the child.
- K. A child is in a Child Placement Agency or Residential Child Care Facility within Colorado for less than ten (10) working days and the facility has an emergency shelter contract with a county department.
- L. Out-of-home placement occurs in facilities holding current certificates or licenses, including kinship foster care placement.

- M. Children are placed in Child Placement Agencies and Residential Child Care Facilities outside of Colorado according to the rules for out of state placement and Interstate Compact on the Placement of Children.
- N. Respite care is paid to providers of foster care homes. This includes county department or child placement agency foster care homes, or adoptive homes receiving a foster care payment and kinship family foster care providers. It does not include foster homes that provide receiving home care.
- O. The child enters care (first day) but not for the last day in care.
- P. The child is placed and removed on the same day.
- Q. The state reimburses for supervised independent living placements for youth eighteen (18) through the end of the month of the twenty first (21st) birthday, when the county has placement and care responsibility. The state does not reimburse for youth in a supervised independent living placement under the age of eighteen (18).
- R. Child Welfare Child Care program criteria are met.
- S. The Core Services Program is operated within applicable state rules and within the provisions of the county or multi-county state approved Core Services Plan and in accordance with the requirements governing the specific funding streams used.
- T. Client travel costs for out-of-state placement and supervision activities are related to out-of-home placements approved through the Interstate Compact county liaison and the receiving state Interstate Compact on the Placement of Children office. Staff travel costs are reimbursed through county administration.
- U. Payments for out-of-home care and rate adjustments are pro-rated using the foster care daily rate in the State Department's automated reporting system.
- V. The developmental disability rate for children placed in foster care homes, kinship foster care homes, receiving home care, specialized group facilities, specialized foster care in county certified foster care homes, and homes in which a subsidized adoption maintenance payment is made.
- W. The county department for expenditure for clothing purchased for a child in out-of-home care. The state reimburses retroactive clothing payments not greater than the current and two preceding months.
- X. The child is in out-of-home care and the county department lists a child free for adoption with the Colorado Adoption Resource Registry within ninety (90) calendar days following:
 1. The date of relinquishment or termination of the parent-child relationship, or
 2. The date of placement into out-of-home care following an adoption dissolution.
- Y. The child is in out-of-home care, the county department requests and the State approves an exclusion from Colorado Adoption Resource Registry listing for a child free for adoption within ninety (90) calendar days following:
 1. The date of relinquishment or termination of the parent-child relationship; or,
 2. The date of placement into foster care following an adoption dissolution.

- Z. If the state approves a Colorado Adoption Resource Registry exclusion because the county finds an adoptive home, reimbursement for out-of-home care is limited to six months from the date the state department receives the request for exclusion.
- AA. Costs are billed for the current and two (2) preceding months.
- BB. The Early intervention and Prevention Program is operated within applicable state rules and within the provision of the county or multi- county state approved services plan.
- CC. A child with development disabilities has been placed in a locked residential setting for treatment and the county has obtained a court order of legal imposition of disability pursuant to Section 27-10.5-110, C.R.S.
- DD. A county department pays incentives to a consortium for meeting or exceeding agreed to outcomes.
- EE. A county department may pay a consortium, if the consortium's outcome measures meet or exceed the agreed to standard.
- FF. A county department purchases Transition Program services provided by an RCCF that is on the approved State RCCF vendor list. In no case shall the rate for transition services exceed the RCCF rate approved by the county department.
- GG. Placement of a child in a provisionally certified foster care home that is fully certified within ninety (90) calendar days from the date of the application.
- HH. IF REQUIRED BY SECTION 24-76.5-101, 102, OR 103 Aa county department SHALL documents the lawful presence of children age eighteen (18) and over receiving services other than those excluded from the definition of a federal public benefit, ~~or~~ state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S., OR SERVICES EXCLUDED FROM THIS REQUIREMENT AS DEFINED AT SECTION 24-76.5-103, C.R.S.
- II. A county department pays a provider at or above the state-established base anchor rates. A county that negotiates provider rates shall use a request for proposal process, a draft of which shall be submitted to the, no later than March 1. of each calendar year. The Department shall approve or deny the draft proposal no later than April 1 of each calendar year. The request for proposal shall include the following:
 - 1. The county department of human/social services' policy for:
 - a. Determining the time frames for negotiation or re-negotiation of rates, services and outcomes; and,
 - b. Actions to be taken if services are not delivered or outcomes are not met.
 - 2. The Department shall evaluate request for proposals submitted by county departments of human/social services using the following criteria:
 - a. Consideration of whether the county used an approved request for proposal process including, but not limited to, competitive bidding and negotiations;
 - b. Consideration of performance outcomes and whether they are tied to financial incentives.
- JJ. Reasonable travel is provided to the school where the child is enrolled prior to out-of-home placement.

- KK. Reasonable costs are provided for liability insurance for a child.
- LL. Adoption Assistance and Relative Guardianship Assistance Program payments are made in compliance with requirements.
- MM. Case services in adoption assistance agreements and relative guardianship assistance agreements.
- NN. Non-recurring expenses for adoption assistance and relative guardianship assistance agreements.
- OO. A child/youth is placed at the IDD facility, as defined in 7.424.5, with the approval of the State Department. The approved placement period is the duration of treatment, as stated in the most recent approval letter from the State Department, and thirty (30) days after the completion of treatment/ discharge date.
- PP. A county department makes foster care maintenance payments for children/youth placed with parents in a licensed residential family-based treatment facility for substance abuse in accordance with federal and state program and fiscal requirements. Reimbursement shall be eighty percent (80%) of the approved allowable cost, within the available allocation.

7.410 CASE SERVICE PAYMENTS FOR CHILDREN PLACED IN OUT-OF-HOME CARE [Rev. eff. 4/1/12]

Case services are a type of purchased program services that support a case plan for children in out-of-home placement, adoption assistance, or a Relative Guardianship Assistance agreement.

- A. The State reimburses for a one time physical, dental and psychological examination for individual eligible children in out-of-home care per Section ~~7.003.3, B, 2 (12 CCR 2509-4)~~ 7.607.3, B, 2 (12 CCR 2509-7).
- B. The State reimburses county departments for client transportation as a case service from out-of-home care funds when travel is necessary:
 - 1. For children in out-of-home care to receive services specified in the Family Services Plan that are directly related to visitation and reunification.
 - 2. To return runaways, who are in county department custody, to their Colorado home county.
 - 3. To facilitate a permanent plan through the Interstate Compact on the Placement of Children.
- C. The State does not reimburse for transportation when the:
 - Child is eligible for Medicaid and the transportation is to enable him/her to secure medical benefits.
- D. The State reimburses county departments for case services provided to children placed by provider consortiums/networks when such services are not a part of either room and board or Medicaid treatment/case management services.
- E. The State reimburses county departments for other case services provided to children in out-of-home placement when such services are not a part of either room and board or Medicaid treatment or case management services.

7.416.2 REIMBURSEMENT FOR SUPERVISED INDEPENDENT LIVING PLACEMENT

This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs AND ANY CONTRIBUTION THE YOUTH IS REQUIRED TO MAKE SHALL BE BASED ON:

- A. THE PRESUMPTION THAT ABILITY TO PAY ALIGNS WITH STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE OR SIMILAR VOUCHER PROGRAMS. ANY VARIANCE SHALL BE BASED ON THE NEEDS OF THE YOUTH AND:
 - 1. THE NEED TO GRADUALLY REDUCE PAYMENTS IN A MANNER THAT REDUCES POTENTIAL NEGATIVE IMPACTS ASSOCIATED WITH A SUDDEN REDUCTION IN PUBLIC BENEFITS; THIS REDUCTION SHALL NOT BEGIN MORE THAN 120 DAYS PRIOR TO THE PROJECTED END OF PAYMENTS.
 - 2. THE NEED TO PROVIDE STABLE SUPPORT TO THE YOUTH SHOULD THE YOUTH'S INCOME CHANGE RAPIDLY OR UNEXPECTEDLY.
 - 3. ANY VARIANCE AND THE REASON FOR THE VARIANCE SHALL BE DOCUMENTED IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.
