

Title of Proposed Rule:	Persons Responsible for Abuse/Neglect Under 18		
CDHS Tracking #:	22-03-14-02		
Office, Division, & Program:	Rule Author: James Connell	Phone: 720-636-5456	
OCYF, DCW		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 change who can be identified as a Person Responsible for Abuse and/or Neglect (PRAN) within an intake assessment. The purpose of these additions and revisions of rule is to create consistency around when a person under the age of 18 years old should be identified as a person responsible for abuse or neglect for the purpose of assessment.

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
26-1-109, C.R.S. (2022)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2022)	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
19-3-216, 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.
19-3-308, C.R.S. (2022)	The assessment shall be in accordance with rules adopted by the state board.

Does the rule incorporate material by reference?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Does this rule repeat language found in statute?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	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?

Children and youth who are identified as persons responsible for abuse and/or neglect (PRAN) will benefit from the changes for assessments in the proposed rules. Assessments of youth PRANs will be refocused on evaluating for safety and identifying appropriate services to address problematic youth behavior. With the modification of how youth are identified in assessments the number of youth who have Trails findings in their backgrounds should decrease and thus, have increased employment opportunities.

County child welfare departments will benefit from being able to serve children and families better and more consistently where there are teenagers demonstrating problematic behavior.

No populations 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?

Between 2016 and 2021, there were 1677 individual findings made against PRANs who were under the age of 18 years old. These changes would decrease this number of individual findings significantly. Fewer youth would be prohibited from certain employment opportunities due to a minor or medium finding of abuse/neglect made against them when they were under 18 years old.

County child welfare departments will not need to make findings on PRANs under 18 years old unless they are specifically within the exception populations listed in the proposed rule.

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 will be 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

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There will be no county fiscal impact because counties are already required to conduct assessments when there is an identified PRAN under age 18 and these proposed changes do not create need for any additional assessments or costs.

Federal Fiscal Impact

There will be no federal fiscal impact as there are no federal costs associated with the rule changes.

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

There will be 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 PRANS under 18 Rule Workgroup discussed data from a review of assessments with a PRAN under 18 between 2016 and 2021, reviewed supplemental documents/recommendations from the Sex Offender Management Board, and reviewed information regarding the appeal process from Child & Adult Maltreatment Dispute Review Section.

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 additional rule-making were discussed within the PRANS Under 18 Rule Workgroup. As a result, additional recommendations were compiled for enhancing assessment practices when there are abuse/neglect concerns regarding someone under the age of 18. Changes put forth in this packet were unable to be addressed through training, technical assistance, or other means.

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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
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
7.104.13 2	Identified need to further clarify the population who can be listed as a Person Responsible for Abuse/Neglect at the closure of the assessment when findings are made.	A. County departments shall enter a finding of founded, inconclusive or unfounded, as an outcome of all high risk or traditional assessments in the state automated case management system no later than sixty (60) days after the receipt of the referral.	A. County departments shall enter a finding of founded, inconclusive or unfounded, as an outcome of all high risk or traditional assessments in the state automated case management system no later than sixty (60) days after the receipt of the referral. 1. YOUTH UNDER THE AGE OF 13 AT THE TIME OF AN ALLEGED INCIDENT SHALL NOT BE LISTED AS A PERSON RESPONSIBLE FOR ABUSE AND/OR NEGLECT FOR THE PURPOSE OF ASSESSMENT. 2. YOUTH OVER THE AGE OF 13 AND UNDER THE AGE OF 18 AT THE TIME OF AN ALLEGED INCIDENT SHALL NOT BE LISTED AS A PERSON RESPONSIBLE FOR ABUSE AND/OR NEGLECT FOR THE PURPOSE OF ASSESSMENT UNLESS; .THE YOUTH IS A PARENT OF THE ALLEGED VICTIM CHILD, OR; .THE INCIDENT IS DETERMINED TO MEET THE CRITERIA OF FOUNDED, AND THE SEVERITY LEVEL OF THE ABUSE AND/OR NEGLECT IS AT A LEVEL OF SEVERE, EGREGIOUS, NEAR-FATAL, OR FATAL AS DEFINED IN 12CCR 2509-1, 7.000.2.	Changing the requirements for entering a finding for a minor.	

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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):

Representatives from geographically diverse county human services departments, Office of the Child’s Representative, Office of the State Public Defender, Child Protection Ombudsman, Colorado Department of Human Services Division of Child Welfare, Office of the Alternate Defense Counsel, Administrative Review Division, Child and Adult Mistreatment Dispute Review Section, Shiloh House, Tennyson Center for Children, Colorado Department of Health Care Policy & Financing, and the Jefferson County District Attorney’s Office.

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:

Representatives from geographically diverse county human services departments, Office of the Child’s Representative, Office of the State Public Defender, Child Protection Ombudsman, Colorado Department of Human Services Division of Child Welfare, Office of the Alternate Defense Counsel, Administrative Review Division, Child and Adult Mistreatment Dispute Review Section, Shiloh House, Tennyson Center for Children, Colorado Department of Health Care Policy & Financing, and the Jefferson County District Attorney’s Office.

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	1/5/23		
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	2/2/23
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What issues were raised?			
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

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.

7.104.132 Findings and Services [~~Eff. 3/1/18~~]

A. County departments shall enter a finding of founded, inconclusive or unfounded, as an outcome of all high risk or traditional assessments in the state automated case management system no later than sixty (60) days after the receipt of the referral.

1. YOUTH UNDER THE AGE OF 13 AT THE TIME OF AN ALLEGED INCIDENT SHALL NOT BE LISTED AS A PERSON RESPONSIBLE FOR ABUSE AND/OR NEGLECT FOR THE PURPOSE OF ASSESSMENT.

2. YOUTH OVER THE AGE OF 13 AND UNDER THE AGE OF 18 AT THE TIME OF AN ALLEGED INCIDENT SHALL NOT BE LISTED AS A PERSON RESPONSIBLE FOR ABUSE AND/OR NEGLECT FOR THE PURPOSE OF ASSESSMENT UNLESS;

A. THE YOUTH IS A PARENT OF THE ALLEGED VICTIM CHILD, OR;

B. THE INCIDENT IS DETERMINED TO MEET THE CRITERIA OF FOUNDED, AND THE SEVERITY LEVEL OF THE ABUSE AND/OR NEGLECT IS AT A LEVEL OF SEVERE, EGREGIOUS, NEAR-FATAL, OR FATAL AS DEFINED IN 12 CCR 2509-1, 7.000.2.