



<b>Title of Proposed Rule:</b>	Qualified Residential Treatment Program (QRTP) Process	
<b>CDHS Tracking #:</b>	21-07-19-01	
Office, Division, & Program: Children, Youth & Families Child Welfare	Rule Author: Yolanda Arredondo, Division of Child Welfare Deputy Director	Phone: 720-618-0015  E-Mail: Yolanda.arredondo@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***

With the state-wide implementation of the Family First Prevention Services Act (Family First), Colorado needs to promulgate rules related to the treatment and placement of children and youth in a Qualified Residential Treatment Program (QRTP). In order to provide guidance and clarity for county departments of human/social services (county departments) the Division of Child Welfare issued two (2) operational memos regarding the Independent Assessment Process (Memo number: [OM-CW-2021-0010](#)) and Long-Term Placement Process for Length of Stay Waivers (Memo number: [OM-CW-2021-0021](#)).

In 2021, the Child Welfare Sub-Policy Advisory Committee approved the formation of a time-limited workgroup to draft Volume VII social services rules. These rule recommendations focus on county department responsibilities when placing or keeping a child/youth in a QRTP.

The rule-writing group met briefly in 2021 and then with approval from the Child Welfare Sub-PAC, paused meetings while county cohorts implemented the process for independent assessment referrals. The rule-writing group resumed meeting regularly in 2022 to review lessons learned from the cohort roll-outs and discuss how to provide more clarity of guidance to county departments. The Child Welfare Sub-PAC approved these recommended rules with some small changes on November 3, 2022.

Stakeholder collaboration occurred between the following agencies to formulate these rule recommendations: The Division of Child Welfare, county departments, Qualified Individuals who complete independent assessments, QRTP service providers, Administrative Service Organizations, the Department of Health Care Policy and Finance, and the Behavioral Health Administration.

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:

N/A

**State Board Authority for Rule:**

Code	Description
26-1-107 (6, g), C.R.S. (2023 <del>4</del> )	Adopt rules concerning programs related to behavioral, mental health, or substance use disorders and intellectual and developmental disabilities. To the extent that rules are promulgated by the state board of human services for programs or providers that receive either medicaid only or both medicaid and non-medicaid funding, the rules must be developed in cooperation with the

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	department of health care policy and financing and must not conflict with state statutes or federal statutes or regulations.

**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
26-5-102 (1), (2, a-j), C.R.S. (2023)	The state department shall adopt rules to establish a program of child welfare services and is authorized to promulgate rules to implement the provisions of this article. Reforms in child welfare and related delivery systems must be directed at the following objectives: More efficient and responsive service systems for children, youth, and families; Increased flexibility and collaboration across multiple agencies and funding streams to ensure the delivery of services based on the needs of the child or youth; Encouragement and authorization for a truly integrated service system that incorporates blended funding and administration; Focus on quality and outcome-driven services with accountability for an entire array of services that families need, rather than forcing families to be transferred from agency to agency; Development of data systems to support these goals and to allow administrators and policy makers to better manage and evaluate; Authority and incentives for creative solutions at the local level that are not bound by the constraints of current agency barriers and categorical funding streams, including authority for local policy makers to create new entities incorporating blended funding and administration; Successful training efforts directed at county staff, judges, court staff, providers, parents, and families and other appropriate entities that are involved in managed care service systems, which training efforts shall include, but not be limited to, the operation of the child welfare training academy created in section 26-5-109. Notwithstanding any limitation of the "M" notation of the appropriation in the annual appropriation act for child welfare services, the state department is authorized to expend any additional federal or private funding that may be available to support the training efforts identified in this subsection (2).
H.R.1892 - Bipartisan Budget Act of 2018, Family First Prevention Services Act	Sec. 50741. Limitation On Federal Financial Participation for Placements that are not in Foster Family Homes.  Sec. 50742. Assessment and documentation of the need for placement in a qualified residential treatment program.

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

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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?*

County Departments of Human/Social Services child welfare permanency planning staff, QRTP service providers, Qualified Individuals. Also, children and youth recommended for QRTP level of treatment will benefit from clear standards for county responsibilities.

### 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 groups listed will need to work cooperatively together regarding children or youth referred for or currently in the care of a QRTP. The Division of Child Welfare oversees licensing and monitoring of QRTPs and the Behavioral Health Administration oversees the therapeutic standards. The short-term benefit is clarifying county responsibilities for referrals and length-of-stay waivers regarding QRTP. The long-term benefit is aligning the placement continuum resource of QRTP with the therapeutic needs of children and youth recommended for that level of care as part of their permanency planning.

### 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” and 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)*

With a clearly outlined process for county departments to request a length-of-stay waiver when a child/youth has reached their lifetime limit, there can be continued Title IV-E drawdown with an approved waiver from the CDHS Executive Director.

#### County Fiscal Impact

With a clearly outlined process for county departments to request a length-of-stay waiver when a child/youth has reached their lifetime limit, there can be continued Title IV-E drawdown with an approved waiver from the CDHS Executive Director. The proposed rule identifies “If the waiver is not granted by the CDHS executive director for Title IV-E reimbursement, and the child/youth remains in a QRTP past the child/youth’s lifetime limit, then the county will be responsible for payment for the child/youth remaining in a QRTP at the CDHS expenditure requirement.”

#### Federal Fiscal Impact

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With a clearly outlined process for county departments to request a length-of-stay waiver when a child/youth has reached their lifetime limit, there can be continued Title IV-E drawdown with an approved waiver from the CDHS Executive Director.

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

QRTP providers will continue to enhance Colorado’s placement continuum through payment when a child or youth is placed in their treatment care facility.

**4. Data Description**

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

Data reports showing the number and identity of children and youth approaching or at their lifetime limit in a QRTP, and the number of placement providers who became a QRTP since October 1, 2021.

**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...”*

No alternative because on February 9, 2018, the Family First Prevention Services Act (FFPSA) was signed into law in reference to the Social Security Act section 472, (3)(A) and 475A(c)(1). These recommended new rules for 12 CCR 2509-4 are necessary for county departments to comply with Family First.

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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
<i>7.000</i>	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
7.301.244	7.301.244 COUNTY RESPONSIBILITIES WHEN A CHILD/YOUTH'S TREATMENT NEEDS ARE MOST APPROPRIATELY MET IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) LEVEL OF CARE.		When a child/youth who may need treatment is identified, the county department of human/social services (county department) shall review the child/youth's treatment options through a county-specific review process. When the county department has custody and believes treatment in a QRTP is in the best interest of the child/youth, the county department shall make a referral for a Qualified Individual to complete an independent assessment. The county department shall hold a family and permanency team meeting within fourteen (14) calendar days of the acceptance of the referral. If after the county department has held the family and permanency team meeting and when the Qualified Individual indicates that treatment in a QRTP is warranted, the county department may admit the child/youth to a QRTP.		

<b>Title of Proposed Rule:</b>	Qualified Residential Treatment Program (QRTP) Process	
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7.301.244 (A)			If a county department places a child/youth in a QRTP on an emergency basis, the county shall make an initial referral for a Qualified Individual to complete an independent assessment within five (5) calendar days.		
7.301.244 (B)			When a child/youth is in need of respite care, it shall be at the same level of current care or a lower level of care. If the county department wants a child/youth to be in respite care in a QRTP, the county department shall follow the requirements for making a referral for a Qualified Individual to complete an independent assessment.		
7.301.244 (C)			The recommendation of the Qualified Individual shall be documented in the Permanency Plan of the State Automated Case Management System.		
7.301.244 (D)			The county department shall enter a corresponding Record of Contact (ROC) note with the following information from the Child and Adolescent Needs and Strengths (CANS)		

<b>Title of Proposed Rule:</b>	Qualified Residential Treatment Program (QRTP) Process	
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			<p>tool which is updated every ninety (90) days: what is the level of treatment recommended for the child/youth, are there any outstanding treatment needs that remain, and are there any notable changes since the last CANS tool was completed.</p>		
7.301.244 (E, a-g))			<p>The family and permanency team meeting may be facilitated and shall be documented in the framework of the State Automated Case Management System. The family and permanency team meeting shall invite the following attendees (when available):</p> <p>Parents or legal guardians; Relatives;</p> <p>Kin;</p> <p>Professionals who are a resource to the family of the child/youth;</p> <p>The youth if age 14 or older; and,</p> <p>If the child is age 14 or older, the team must also include the members of the permanency planning team for the child that are selected</p>		

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			<p>by the child in accordance with the Title IV-E case planning requirements (section 475A(c)(1)(B)(i) and (ii) of the Act). The Qualified Individual</p> <p>If the child is under age fourteen (14) the county department shall consider the appropriateness of their participation in the family and permanency team meeting.</p> <p>The county department shall consider inviting any Guardian ad Litem or Counsel for Youth assigned to represent the child/youth to the family and permanency team meeting.</p>		
7.301.244 (F)			The county department shall share the independent assessment summary with all family participants at the family and permanency team meeting.		
7.301.244 (G)			If the treatment recommendations made by the Qualified Individual at the time of the independent assessment are not available to		

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			the county department, this shall be documented in the State Automated Case Management System and alternative treatment recommendations will be discussed at the Family and Permanency Team Meeting.		
7.301.244 (H)			If the recommendations made by the Qualified Individual are not followed by the county department or are considered not appropriate at the time the independent assessment is completed, the county department shall provide a thorough explanation to support their decision.		
7.301.244 (I)			Prior to release from a QRTP, the county department shall work with the QRTP provider to develop a plan for six (6) months of aftercare services to either be provided by the QRTP provider or by an identified community-based provider that will meet the individual needs of the child/youth and family.		
7.301.245	County Responsibilities when a		If a child/youth's length of treatment in a QRTP is approaching twelve (12) consecutive months; or approaching eighteen (18) non-consecutive		

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	child/youth is reaching their lifetime limit in a Qualified Residential Treatment Program (QRTP)		months, or the length of treatment for a child who has not reached age thirteen (13) is approaching six (6) consecutive or non-consecutive months; and, the child/youth receiving treatment in a QRTP may need continued treatment beyond the limits defined by the Family First Prevention Services Act (Family First), the county department shall request extended treatment by submitting a length of stay waiver request to the Executive Director of the Colorado Department of Human Services (CDHS):		
7.301.245 (A)			No later than forty-five (45) days prior to the child or youth reaching the applicable length of stay limit as described above, the county will submit the following documents to the CDHS Executive Director:		
7.301.245 (A, a, i-iv)			A letter from the County Department's director or their designee requesting the waiver including details regarding:  An explanation of the need for the waiver;  The county's plan during the waiver extension period if granted;		

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			<p>An outline of what reasonable efforts were made prior to the waiver request for stepping down the child or youth's level of out-of-home care from QRTP; and,</p> <p>An outline of what reasonable efforts are being made to achieve permanency for the child or youth.</p>		
7.301.245 (A, b-e)			<p>A copy of the most recent independent assessment summary;</p> <p>The estimated discharge date from the QRTP;</p> <p>A copy of the most recent 90-day review; and,</p> <p>All Child and Adolescent Needs and Strengths (CANS) tools completed for the youth along with a treatment progress summary.</p>		
7.301.245 (B)			<p>For a child/youth entering a QRTP after the federal maximum length of stay has been reached, these documents need to be received by the Executive Director at the completion of the independent assessment process.</p>		

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7.301.245 (C)			If the waiver is granted by the CDHS Executive Director for Title IV-E reimbursement, it will continue to be funded in the same manner as the original service authorization. The waiver will expire upon the anticipated discharge date from the QRTP or six (6) months after the date the waiver goes into effect, whichever occurs first. The CDHS Executive Director has the ability to approve the length of stay waiver request in its entirety or with limitations. A new length of stay waiver request must be submitted no later than forty-five (45) days prior to the waiver expiring when an initial length of stay waiver is granted.		
7.301.245 (D)			If the waiver is not granted by the CDHS Executive Director for Title IV-E reimbursement, and the child/youth remains in a QRTP past the child/youth's lifetime limit, then the county will be responsible for payment for the child/youth remaining in a QRTP at the CDHS expenditure requirement.		
7.301.245 (E)			The county shall be responsible for gathering all necessary documentation for submission of the court report, which shall include the Qualified Individual's final		

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			summary report.		
7.301.245 (F)			If a child/youth has exceeded their lifetime limit prior to treatment in a QRTP, an independent assessment would be required and after the Qualified Individual recommendation has approved the QRTP then a waiver request will be required within thirty (30) days of the approved independent assessment summary report.		

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<b>CDHS Tracking #:</b>	21-07-19-01	
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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 Welfare Sub-PAC members, including the sub-workgroup of Permanency Task Group
- County departments of human/social services child welfare casework supervisors, child welfare administrators, and directors
- Colorado Human Services Directors Association members and staff liaisons
- Division of Child Welfare
- Behavioral Health Administration
- Department of Health Care Policy and Finance
- QRTP Service Providers
- Qualified Individuals who conduct independent assessments
- Administrative Service Organizations

**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 Welfare Sub-PAC members, including the sub-workgroup of Permanency Task Group
- County departments of human/social services child welfare casework supervisors, child welfare administrators, and directors
- Colorado Human Services Directors Association members and staff liaisons.
- Division of Child Welfare
- Behavioral Health Administration
- Department of Health Care Policy and Finance
- QRTP Service Providers
- Qualified Individuals who conduct independent assessments
- Administrative Service Organizations

**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?

Andrew Gabor with the Behavioral Health Administration participated in the rule-writing workgroup and John Laukkanen with the Department of Health Care Policy and Finance was an informed stakeholder.

**Sub-PAC**

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

Yes     No

Name of Sub-PAC	Child Welfare
Date presented	November 3, 2022 and January 4, 2024

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What issues were raised?	<p>Clarifying language regarding the timeframe for the county department to submit a referral to a Qualified Individual for an independent assessment to be completed when an emergency QRTP placement occurred. Clarifying the responsibility for county departments regarding aftercare planning. Revising the language regarding entering a Record of Contact (ROC) note in the child welfare database system Trails each time a Child and Adolescent Needs and Strengths tool is completed. Clarifying when approved length-of-stay waivers would expire for children or youth in a QRTP.</p> <p>At the Child Welfare Sub-PAC meeting on January 4, 2024 counties suggested additional revisions to the rule language outlined below in red text. Revisions included replacing the term “placement” with “treatment” whenever possible and increasing the timeframe for a county to make a referral for the independent assessment upon an emergency QRTP placement. This also addressed a question that came up regarding referrals for an independent assessment when a child or youth enters a QRTP for the sole purpose of respite.</p>		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	17	None	2
If not presented, explain why.			

**PAC**

Have these rules been approved by PAC?

Yes  No

Date presented	December 8, 2022		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous	None	0
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.*

During stakeholder feedback, county staff verbalized support for the proposed changes. There were no objections to the proposed language, only a few requests for small changes to further clarify county

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responsibilities. County departments were in support of these new additions to Volume VII rule for the processes outlining independent assessment and length-of-stay waivers as they are necessary to comply with Family First federal legislation and receive Title IV-E eligible reimbursement.

7.301.244 COUNTY RESPONSIBILITIES WHEN ~~PLACING~~ A CHILD/YOUTH'S TREATMENT NEEDS ARE MOST APPROPRIATELY MET IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) LEVEL OF CARE.

WHEN A CHILD/YOUTH WHO MAY NEED TREATMENT IS IDENTIFIED, THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES (COUNTY DEPARTMENT) SHALL REVIEW THE CHILD/YOUTH'S TREATMENT OPTIONS THROUGH A COUNTY-SPECIFIC REVIEW PROCESS. WHEN THE COUNTY DEPARTMENT HAS CUSTODY AND BELIEVES TREATMENT IN A QRTP IS IN THE BEST INTEREST OF THE CHILD/YOUTH, THE COUNTY DEPARTMENT SHALL MAKE A REFERRAL FOR A QUALIFIED INDIVIDUAL TO COMPLETE AN INDEPENDENT ASSESSMENT. THE COUNTY DEPARTMENT SHALL HOLD A FAMILY AND PERMANENCY TEAM MEETING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE ACCEPTANCE OF THE REFERRAL. IF AFTER THE COUNTY DEPARTMENT HAS HELD THE FAMILY AND PERMANENCY TEAM MEETING AND WHEN THE QUALIFIED INDIVIDUAL INDICATES THAT TREATMENT IN A QRTP IS WARRANTED, THE COUNTY DEPARTMENT MAY ADMIT THE CHILD/YOUTH TO A QRTP.

A. IF A COUNTY DEPARTMENT PLACES A CHILD/YOUTH IN A QRTP ON AN EMERGENCY BASIS, THE COUNTY SHALL MAKE ~~AN INITIAL~~ REFERRAL FOR A QUALIFIED INDIVIDUAL TO COMPLETE AN INDEPENDENT ASSESSMENT WITHIN ~~ONE (1) BUSINESS~~ FIVE (5) CALENDAR DAYS.

B. WHEN A CHILD/YOUTH IS IN NEED OF RESPITE CARE, IT SHALL BE AT THE SAME LEVEL OF CURRENT CARE OR A LOWER LEVEL OF CARE. ~~WHEN IF~~ THE COUNTY DEPARTMENT WANTS ~~TO~~ PLACE A CHILD/YOUTH ~~TO BE~~ IN NEED OF RESPITE CARE IN A QRTP, THE COUNTY DEPARTMENT SHALL FOLLOW THE REQUIREMENTS FOR MAKING A REFERRAL FOR A QUALIFIED INDIVIDUAL TO COMPLETE AN INDEPENDENT ASSESSMENT.

C. THE RECOMMENDATION OF THE QUALIFIED INDIVIDUAL SHALL BE DOCUMENTED IN THE PERMANENCY PLAN OF THE STATE AUTOMATED CASE MANAGEMENT SYSTEM.

D. THE COUNTY DEPARTMENT SHALL ENTER A CORRESPONDING RECORD OF CONTACT (ROC) NOTE WITH THE FOLLOWING INFORMATION FROM THE CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) TOOL WHICH IS UPDATED EVERY NINETY (90) DAYS: WHAT IS THE LEVEL OF TREATMENT RECOMMENDED FOR THE CHILD/YOUTH, ARE THERE ANY OUTSTANDING TREATMENT NEEDS THAT REMAIN, AND ARE THERE ANY NOTABLE CHANGES SINCE THE LAST CANS TOOL WAS COMPLETED.

E. THE FAMILY AND PERMANENCY TEAM MEETING MAY BE FACILITATED AND SHALL BE DOCUMENTED IN THE FRAMEWORK OF THE STATE AUTOMATED CASE MANAGEMENT SYSTEM. THE FAMILY AND PERMANENCY TEAM MEETING SHALL INVITE THE FOLLOWING ATTENDEES (WHEN AVAILABLE):

- A. PARENTS OR LEGAL GUARDIANS;
- B. RELATIVES;
- C. KIN;

- D. PROFESSIONALS WHO ARE A RESOURCE TO THE FAMILY OF THE CHILD/YOUTH;
- E. THE YOUTH IF AGE 14 OR OLDER; AND,
- F. IF THE CHILD IS AGE 14 OR OLDER, THE TEAM MUST ALSO INCLUDE THE MEMBERS OF THE PERMANENCY PLANNING TEAM FOR THE CHILD THAT ARE SELECTED BY THE CHILD IN ACCORDANCE WITH THE TITLE IV-E CASE PLANNING REQUIREMENTS (SECTION 475A(C)(1)(B)(I) AND (II) OF THE FAMILY FIRST PREVENTION SERVICES ACT).
- G. THE QUALIFIED INDIVIDUAL

IF THE CHILD IS UNDER AGE FOURTEEN (14) THE COUNTY DEPARTMENT SHALL CONSIDER THE APPROPRIATENESS OF THEIR PARTICIPATION IN THE FAMILY AND PERMANENCY TEAM MEETING.

THE COUNTY DEPARTMENT SHALL CONSIDER INVITING ANY GUARDIAN AD LITEM OR COUNSEL FOR YOUTH ASSIGNED TO REPRESENT THE CHILD/YOUTH TO THE FAMILY AND PERMANENCY TEAM MEETING.

F. THE COUNTY DEPARTMENT SHALL SHARE THE INDEPENDENT ASSESSMENT SUMMARY WITH ALL FAMILY PARTICIPANTS AT THE FAMILY AND PERMANENCY TEAM MEETING.

G. IF THE TREATMENT RECOMMENDATIONS MADE BY THE QUALIFIED INDIVIDUAL AT THE TIME OF THE INDEPENDENT ASSESSMENT ARE NOT AVAILABLE TO THE COUNTY DEPARTMENT, THIS SHALL BE DOCUMENTED IN THE STATE AUTOMATED CASE MANAGEMENT SYSTEM AND ALTERNATIVE TREATMENT RECOMMENDATIONS WILL BE DISCUSSED AT THE FAMILY AND PERMANENCY TEAM MEETING.

H. IF THE RECOMMENDATIONS MADE BY THE QUALIFIED INDIVIDUAL ARE NOT FOLLOWED BY THE COUNTY DEPARTMENT OR ARE CONSIDERED NOT APPROPRIATE AT THE TIME THE INDEPENDENT ASSESSMENT IS COMPLETED, THE COUNTY DEPARTMENT SHALL PROVIDE A THOROUGH EXPLANATION TO SUPPORT THEIR DECISION.

I. PRIOR TO RELEASE FROM A QRTP, THE COUNTY DEPARTMENT SHALL WORK WITH THE QRTP PROVIDER TO DEVELOP A PLAN FOR SIX (6) MONTHS OF AFTERCARE SERVICES TO EITHER BE PROVIDED BY THE QRTP PROVIDER OR BY AN IDENTIFIED COMMUNITY-BASED PROVIDER THAT WILL MEET THE INDIVIDUAL NEEDS OF THE CHILD/YOUTH AND FAMILY.

#### 7.301.245 COUNTY RESPONSIBILITIES WHEN A CHILD/YOUTH IS REACHING THEIR LIFETIME LIMIT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP)

IF A CHILD/YOUTH'S LENGTH OF ~~PLACEMENT~~ TREATMENT IN A QRTP IS APPROACHING TWELVE (12) CONSECUTIVE MONTHS; OR APPROACHING EIGHTEEN (18) NON-CONSECUTIVE MONTHS, OR THE LENGTH OF ~~PLACEMENT~~ TREATMENT FOR A CHILD WHO HAS NOT REACHED AGE THIRTEEN (13) IS APPROACHING SIX (6) CONSECUTIVE OR NON-CONSECUTIVE MONTHS; AND, THE CHILD/YOUTH RECEIVING TREATMENT IN A QRTP MAY NEED CONTINUED TREATMENT BEYOND THE LIMITS DEFINED BY THE FAMILY FIRST PREVENTION SERVICES ACT (FAMILY FIRST), THE COUNTY DEPARTMENT SHALL REQUEST EXTENDED TREATMENT BY SUBMITTING A LENGTH OF STAY WAIVER REQUEST TO THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF HUMAN SERVICES (CDHS):

A. NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO THE CHILD OR YOUTH REACHING THE APPLICABLE LENGTH OF STAY LIMIT AS DESCRIBED ABOVE, THE COUNTY WILL SUBMIT THE FOLLOWING DOCUMENTS TO THE CDHS EXECUTIVE DIRECTOR:

A. A LETTER FROM THE COUNTY DEPARTMENT'S DIRECTOR OR THEIR DESIGNEE REQUESTING THE WAIVER INCLUDING DETAILS REGARDING:

- I. AN EXPLANATION OF THE NEED FOR THE WAIVER;
- II. THE COUNTY'S PLAN DURING THE WAIVER EXTENSION PERIOD IF GRANTED;
- III. AN OUTLINE OF WHAT REASONABLE EFFORTS WERE MADE PRIOR TO THE WAIVER REQUEST FOR STEPPING DOWN THE CHILD OR YOUTH'S LEVEL OF OUT-OF-HOME CARE FROM QRTP; AND,
- IV. AN OUTLINE OF WHAT REASONABLE EFFORTS ARE BEING MADE TO ACHIEVE PERMANENCY FOR THE CHILD OR YOUTH.

B. A COPY OF THE MOST RECENT INDEPENDENT ASSESSMENT SUMMARY;

C. THE ESTIMATED DISCHARGE DATE FROM THE QRTP;

D. A COPY OF THE MOST RECENT 90-DAY REVIEW; AND,

E. ALL CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) TOOLS COMPLETED FOR THE YOUTH ALONG WITH A TREATMENT PROGRESS SUMMARY.

B. FOR A CHILD/YOUTH ENTERING A QRTP AFTER THE FEDERAL MAXIMUM LENGTH OF STAY HAS BEEN REACHED, THESE DOCUMENTS NEED TO BE RECEIVED BY THE EXECUTIVE DIRECTOR AT THE COMPLETION OF THE INDEPENDENT ASSESSMENT PROCESS.

C. IF THE WAIVER IS GRANTED BY THE CDHS EXECUTIVE DIRECTOR FOR TITLE IV-E REIMBURSEMENT, IT WILL CONTINUE TO BE FUNDED IN THE SAME MANNER AS THE ORIGINAL SERVICE AUTHORIZATION. THE WAIVER WILL EXPIRE UPON THE ANTICIPATED DISCHARGE DATE FROM THE QRTP OR SIX (6) MONTHS AFTER THE DATE THE WAIVER GOES INTO EFFECT, WHICHEVER OCCURS FIRST. THE CDHS EXECUTIVE DIRECTOR HAS THE ABILITY TO APPROVE THE LENGTH OF STAY WAIVER REQUEST IN ITS ENTIRETY OR WITH LIMITATIONS. A NEW LENGTH OF STAY WAIVER REQUEST MUST BE SUBMITTED NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO THE WAIVER EXPIRING WHEN AN INITIAL LENGTH OF STAY WAIVER IS GRANTED.

D. IF THE WAIVER IS NOT GRANTED BY THE CDHS EXECUTIVE DIRECTOR FOR TITLE IV-E REIMBURSEMENT, AND THE CHILD/YOUTH REMAINS IN A QRTP PAST THE CHILD/YOUTH'S LIFETIME LIMIT, THEN THE COUNTY WILL BE RESPONSIBLE FOR PAYMENT FOR THE CHILD/YOUTH REMAINING IN A QRTP AT THE CDHS EXPENDITURE REQUIREMENT.

E. THE COUNTY SHALL BE RESPONSIBLE FOR GATHERING ALL NECESSARY DOCUMENTATION FOR SUBMISSION OF THE COURT REPORT, WHICH SHALL INCLUDE THE QUALIFIED INDIVIDUAL'S FINAL SUMMARY REPORT.

F. IF A CHILD/YOUTH HAS EXCEEDED THEIR LIFETIME LIMIT PRIOR TO ~~PLACEMENT~~ TREATMENT IN A QRTP, AN INDEPENDENT ASSESSMENT WOULD BE REQUIRED AND AFTER THE QUALIFIED INDIVIDUAL RECOMMENDATION HAS APPROVED THE QRTP THEN A WAIVER REQUEST WILL BE REQUIRED WITHIN THIRTY (30) DAYS OF THE APPROVED INDEPENDENT ASSESSMENT SUMMARY REPORT.