

DEPARTMENT OF HUMAN SERVICES

Social Services Rules

RESOURCE DEVELOPMENT

12 CCR 2509-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

7.500.1 MISSION STATEMENT

To develop and coordinate the external resources necessary to fulfill the objectives of the social services programs.

7.500.11 Target Groups [Rev. eff. 4/1/12]

Target groups served by this program area are the individuals who will be serving the department's clients in such roles as foster or kinship foster parents for children or adults or day care providers or adoptive parents.

7.500.2 ASSESSMENT OF FOSTER HOME AND ADOPTIVE HOME [Rev. eff. 4/1/12]

A. Content of the Assessment

A family assessment, using the Structured Analysis Family Evaluation (SAFE) instrument, including Questionnaires One (1) and Two (2) and completion of the psychosocial inventory, to determine the character and suitability of the applicant(s), appropriateness of the home, and child care practices, must be completed by a staff member that has completed the two (2) day SAFE assessment training, and must be reviewed by a supervisor that has completed the two day SAFE assessment training and the one day supervisor training. The assessment shall include, but not be limited to, the following:

1. Background of the Family

Separate and joint interviews with the applicant(s), all adults residing in the home (both related and non-related to the applicant), all children residing in the home, and any individual that is considering a second parent adoption of the child(ren) (see Section 7.500.2, C, 4) regarding:

- a. Social history/background (adults and children), including childhood family adaptability, childhood family cohesion, childhood history of deprivation/trauma, childhood history of victimization, history of child abuse/neglect, history of alcohol/drug use, history of crime/allegations/violence, psychiatric history, occupational history, and marriage/domestic partner history.
- b. Personal characteristics of the family, including communication, commitment and responsibility, problem solving, interpersonal relations, health and physical stamina to include information about nutritious meals and snacks, self-esteem, acceptance of differences, coping skills, impulse control, mood, anger management and resolution, judgment, and adaptability.

- c. Marital and domestic partner relationship, including conflict resolution, emotional support, attitude toward spouse or partner, communication between couple, balance of power, stability of the marriage or partnership and sexual compatibility.
 - d. Motivation for child placement, including a discussion of the child to be placed, attitudes toward foster care/adoption by applicants, other adults residing in the home, children, and others such as extended family, and discussion of fertility, if relevant. Assess the physical, mental and emotional capability of the applicant(s) to parent a child(ren) through adoption and their ability to reevaluate and readjust expectations.
 - e. Children with special needs, including the applicant's interest, preparation and willingness to care for a child(ren) with disabilities such as emotional, mental and physical, and the ability to meet the special needs of the child(ren). The home study must include an assessment as to how the child(ren)'s special needs will impact the family and extended family.
 - f. Extended family relationships, including extended family adaptability, extended family cohesion, relationship with own extended family, and relationship with spouse's or partner's family.
 - g. Physical and social environment, including cleanliness; orderliness and maintenance; safety; furnishings; play area, equipment and clothing; finances; support system; and, household pets.
 - h. General parenting, including child development, parenting style, disciplinary methods, child supervision, learning experiences, parental role, child interactions, communication with child, basic care, and child's play.
 - i. Specialized parenting, including expectations, effects of abuse or neglect, effects of sexual abuse, effects of separation and loss, structure, therapeutic and educational resources, birth sibling relationships, child background information, and birth parent issues.
 - j. Adoption issues, including infertility, telling child about adoption, openness in adoption, and adoptive parent status.
- 2. Relationship with the County Department

Discuss the applicant's ability to work with the child welfare system, court, birth parents, and others in the child's life, including willingness to obtain help from professionals involved.
- 3. Post-Adoptive Services

The applicant's ability to assist with possible post-adoptive issues of the child, including, but not limited to:
 - a. Questions about the birth family.
 - b. Locating and obtaining non-identifying information about the birth family.
 - c. Search and possible reunification of the adopted child with the birth family.

- d. Willingness to assist adopted child with counseling, if needed, related to adoption issues.

4. Kinship Family Foster Care

The applicant's ability to provide a permanent home through adoption, guardianship or permanent custody. The ability to meet the individualized needs of the specified child(ren), and assessment of the relationship with birth parents and extended family members as they impact capacity of the applicants to care for the child(ren). The ability to set boundaries with birth parents to maintain safety for the child(ren) in care.

When completing the assessment, Section 7.708, "Rules Regulating Family Foster Care Homes" shall also apply.

B. State Department's Automated System, Colorado Bureau of Investigation (CBI), Federal Bureau of Investigation (FBI), and the Colorado State Courts Data Access

- 1. Prior to full certification of a family foster home, there shall be a review and documentation in the provider record of:
 - a. Complete a background check for each adult living in the home for the following:
 - 1) Child abuse/neglect records check in every state where the adult has resided in the five (5) years preceding the date of application for each adult (18 years and older) living in the home.
 - 2) A fingerprint-based criminal history check of CBI and FBI records; and,
 - 3) A comparison search on the Colorado State Courts Data Access, using the name and date of birth with available criminal history information for each adult eighteen (18) years and older living in the home. The purpose is to determine any crime(s) for which an applicant or other adult residing in the home was arrested or convicted and the disposition. This search must be completed regardless of whether the CBI and FBI fingerprint history confirms or does not confirm a criminal history.
 - b. Written statements from references;
 - c. Health information;
 - d. The review of existing agency case records, including the automated system, for prior foster home certifications or denials; and,
 - e. Investigations of any concerns raised from the application and/or aforementioned sources of information.
 - f. The results of the face-to-face interview on all members of the household.
- 2. Federal Bureau of Investigation (FBI) fingerprint-based criminal history background checks shall be initiated for all prospective foster and adoptive parents and each adult eighteen (18) years and older living in the home. The FBI reports shall be sent directly to the county department submitting the request for information.
- 3. All CBI and FBI fingerprint-based criminal record reports, including court dispositions, if applicable, and results from the five-year child abuse/neglect background checks shall

remain confidential in the county department records, except as provided in Section 7.500.2, C, 3.

C. Other Requirements

1. Assessment of the ability of the applicant(s) to foster or adopt a child and to preserve continuity of the child's identity in a positive manner. Factors should include, but are not limited to, consideration of the child's family, community, neighborhood, faith or religious beliefs, school activities, friends, and child's and family's primary language. Documentation of the assessment of this requirement shall be in the case file.
2. The application for adoption or foster care shall be denied for reasons listed in Section 7.500.312, D, and may be denied for reasons listed in Section 7.500.312, E. If the applicant has ever been rejected as a prospective adoptive or foster parent or has been the subject of an unfavorable finding, the home study must address the reasons for the unfavorable finding and any resolution of disagreements concerning the finding.
3. For the purposes of conducting an adoptive home study, the county department, qualified individual, and child placement agencies shall be required to report to the court the results of a fingerprint-based criminal history records check when it reveals that the prospective adoptive parent was convicted of a felony or misdemeanor of:
 - a. Child abuse or neglect;
 - b. Any crime against a child, including child pornography;
 - c. Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as specified in Section 18-6-800.3, C.R.S.;
 - d. Violation of a protective order, as described in Section 18-6-803.5, C.R.S.;
 - e. Any crime involving violence, rape, sexual assault, or homicide;
 - f. Any felony drug-related conviction within, at a minimum, the past five (5) years.

No person convicted of a felony offense shall be allowed to adopt a child, except a person may be allowed to adopt a child if:

 - 1) The applicant has had no further arrests or convictions subsequent to the original conviction;
 - 2) The applicant has not been convicted of a pattern of misdemeanors, as defined by rule of the State Board of Human Services at Section 7.500.312, D, 4, a-c; and,
 - 3) The court enters a finding consistent with Section 19-5-210(2)(d), C.R.S., that the adoption is in the best interest of the child.
4. As part of the assessment, the agency must:
 - a. Conduct a minimum of one joint face-to-face interview with a couple, one individual face-to-face interview with each adult member of the household, and, if applicable, one individual face-to-face interview with any person considering a second parent adoption of the child(ren), and an age/developmental appropriate

face-to-face interview with all children residing in the home. For single applicants, a minimum of two interviews will be required.

- b. Conduct at least one face-to-face interview in the applicant's home.
 - c. Perform an on-site inspection for foster homes to determine compliance with the Minimum Rules and Regulations for Family Foster Homes, Section 7.708. Approval of local zoning, health, or fire departments must be documented in the foster home file when the situation warrants.
 - d. Spread out interviews over a period of not less than seven (7) consecutive days.
 - e. Complete an annual SAFE update. This shall include at least one home visit and a review of the current medical status. Applicants shall be questioned regarding any child abuse investigations during the previous year.
- 5. The application and medical records will be reviewed; any issues that are identified will be discussed with the applicants. No physical examination shall be required of any person who in good faith relies upon spiritual means or prayer in the free exercise of religion to prevent or cure a disease unless there is a reason to believe such person's physical condition is such that he/she would be unable to care for a child, or such person has a communicable illness.
 - 6. The county department shall not perform a foster home or adoptive home assessment on a member of its own staff. The worker should check with the supervisor for county policies and procedures regarding completing assessments on county staff.
 - 7. Water, if from any source other than a regular municipal water supply, shall be tested for compliance with water quality requirements.
 - 8. A current photograph of the family shall be requested and maintained in the file.
 - 9. For the purposes of conducting an adoptive home study, the home study is to be completed ninety (90) working days from receiving the completed background checks.
 - 10. The county department shall not deny to any person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin of the person, or of the child involved.

D. Additional Requirements

List characteristics of child(ren) the home is approved for: age, sex, race, legal risk, and special needs (such as medical, physical, emotional). Following the completion of the assessment, a narrative report that summarizes and evaluates the information obtained must be completed. It shall be attached to the SAFE questionnaires 1 and 2.

E. Assessment Update

- 1. If there are changes in the age, sex, and special characteristics of the child(ren) which will be considered for the family, a re-evaluation of the family will be completed and the assessment revised.
- 2. For any individual eighteen (18) years of age or older entering the home with the intent of residing in the home or providing caretaker services in the home, there shall be a review and documentation in the provider record of the following:

- a. Child abuse or neglect records check in every state where the adult has resided in the previous five (5) years.
 - b. A fingerprint-based criminal history check completed for the CBI and FBI, and,
 - c. A comparison search in the Colorado State Courts Data Access, using the name and date of birth with available criminal history information for each adult eighteen (18) years and older entering the home. The purpose is to determine any crime(s) for which the adult residing in the home was arrested or convicted and the disposition. This search must be completed regardless of whether the CBI and FBI fingerprint history confirms or does not confirm a criminal history.
- F. At any time after the placement of a child, the placing agency may review the written family assessment, home study, and background checks of the foster parents.
- G. County departments are required to share approved adoptive home assessments within the county system if there is a child(ren) whom the family wants to be considered for possible placement. The family shall make a request in writing providing the name of the county department or child placement agency, address and name of the person who is to receive the home assessment, and appropriate documents. When the county department or child placement agency that completed the home assessment receives the written request, the written home assessment and appropriate documents shall be sent to the other county within five (5) working days at no cost to the family. The county receiving the home assessment shall notify the family within five (5) days that the county department has received the information.

The county department placing the child for adoption will be responsible for post-placement supervision until the adoption is finalized, unless otherwise negotiated in the placement agreement between the county and the child placement agency.
- H. Child Placement Agencies (CPAs) shall share their home assessments with the county department when a CPA family is providing foster care and wants to be considered for a possible adoptive placement.
 - 1. The family shall make a written request to the Child Placement Agency, identifying the county department, and the name and address of the county contact that is to receive the home assessment and appropriate documents.
 - 2. When the Child Placement Agency receives the written request, the written home assessment and appropriate documents shall be sent to the identified county department within five (5) working days.
 - 3. The county department receiving the home assessment shall notify the prospective adoptive family within five (5) working days that the county department has received the information.
 - 4. The county department placing the child for adoption will be responsible for post placement supervision until the adoption is finalized, unless otherwise negotiated in the placement agreement between the county and the child placement agency.

7.500.3 CHILDREN'S RESOURCES [Rev. eff. 4/1/12]

- A. Resources for children to be developed by the county department of social/human services are family foster care homes, receiving homes, specialized group facilities, and adoption resources.

- B. Good faith efforts and due diligence shall be used to recruit families who reflect the communities of all children in care.
- C. Facilities for children shall be utilized solely by children, shall be licensed or certified, and shall meet necessary local requirements and hold local licenses or permits. In order to support youth with an independent living stipend, a family foster care home may provide a home for a youth that previously resided in foster care in the home on or before the youth's eighteenth (18th) birthday. The youth shall solely occupy a bedroom and shall not occupy a bedroom with a child or youth in foster care. The family foster care home may accept a negotiated portion of the independent living stipend. Negotiation shall include the youth, caseworker, and foster parent(s).
- D. The county department of social/human services shall audit all current foster care files on an annual basis to verify that all required information is present in the file. Following the annual audit, the county department shall attest in writing that all the required information is present.
- E. The county department shall develop resources for the twenty-four (24) hour out-of-home care of children who otherwise would be inappropriately placed in jail or detention.
- F. A family foster home or receiving home certified by the county department of social/human services or a specialized group facility sponsored by a county department shall receive children only from a county department of social/human services, and the certifying county shall approve of each placement.
- G. The county department shall maintain a directory of current, accurate information to identify available placements. The directory shall include available vacancies, licensed or certified capacity, ages and gender of children accepted by the home or facility, a description of the level of care which the home or facility can provide, and a listing of any special services that it can provide.

7.500.31 Family Foster Care Homes [Rev. eff. 12/1/12]

Family foster care homes are certified by county departments; family foster care homes associated with Child Placement Agencies (CPAs) are certified by the CPA.

- A. A family foster care home provides temporary or long-term care for children who must live outside their own homes and are in need of protection and/or supervision, including those children with physical handicaps or developmental disabilities when target group eligibility and out-of-home placement criteria are met. Receiving homes are a type of family foster care home which provide temporary care of children.
- B. Foster parents shall be recruited who demonstrate a genuine interest in and knowledge of children and a concern for their proper care and well-being. A county department shall recruit within its own county and may recruit in adjacent counties with the approval of the director of the county department of the adjacent county.
- C. Within five working days after initial inquiry, the worker shall discuss with prospective applicants general information regarding foster parenting requirements and the upcoming orientation.
- D. An orientation shall be held to discuss the application and certification process for prospective foster parent applicants within six weeks after initial inquiry.
- E. A family foster home must be certified. Pursuant to an application for a certificate, the county department shall assess a family foster home; however:

1. A staff member of a county department of human/social services shall not be certified by the county in which he/she is employed to operate a family foster home due to conflict of interest.
 2. A staff member of a county department of human/social services may be certified by another county, but may not receive children placed by the county in which he/she is employed.
 3. No county department shall certify a foster home of a relative of any staff member of the Child Welfare Division or unit. If the foster home is certified by another county department, the referring county department may place children in the foster home upon written agreement of the two county department directors or designee.
 4. If a relative of a staff member of the county department, who is not an employee of the county Child Welfare Division or unit, makes application to be a foster care home for the county department, then the application shall be reviewed by the county department director to determine whether a conflict of interest exists and the director shall provide written approval or denial and the justification for the decision. The documentation shall be attached to the application.
- F. A county department may receive an application for a certificate and complete a foster home assessment for an applicant living in an adjacent county only after the county director of the adjacent county or his/her designee gives approval for the other county department to complete the assessment and issue the certificate. County departments may only certify a foster home in a nonadjacent county with the written permission of both county directors or designees.
- G. The county department of human/social services shall require verification of an individual's lawful presence in the United States, as provided in general eligibility requirements as found in Section 3.140.11 (9 CCR 2503-1), in order to approve an applications to operate a family foster home.
- H. A county department of human/social services shall not accept an application to operate a family foster home from an individual who is currently certified by a child placement agency to operate a family care home until that individual has terminated the certification by the child placement agency.
- I. An applicant for certification as a family foster care home shall provide the county department of human/social services from whom the certification is sought with a list of all the prior child placement agencies and county departments of social services that had previously certified the applicant. In addition, the applicant shall sign a release of information form. The county department of human/social services from whom the certification is sought shall conduct a reference check of the applicant by contacting all of the child placement agencies and county departments of human/social services identified by the applicant before issuing the certification for that foster care home.
- J. No director or staff member of a county department or governing body for a Specialized Group Facility (SGF) sponsored by the county department shall contact or recruit foster homes currently certified by another county department or child placement agency for the purpose of becoming a foster home or specialized group facility.
- K. A county director or his/her designee may take the following actions for prospective or current kinship family foster care home providers. Decisions shall be made case-by-case and the safety and well-being of a child or youth placed in the home shall not be compromised:
1. Waive non-safety certification standards for kinship family foster care providers defined in Section 7.708.11 and referenced in 7.708.7 (12 CCR 2509-8);

2. Require special conditions for certification that address the safety or well-being needs for a child or youth;
3. Limit or restrict a certificate; and/or,
4. Require a written agreement for compliance that addresses safety and well-being needs for a child or youth.

7.500.311 Training and Foster Home Assessment [Rev. eff. 4/1/12]

- A. Prior to certification, the county shall complete the single assessment of foster and adoptive homes as outlined in Section 7.500.2.
- B. Training, Colorado Bureau of Investigation (CBI), Federal Bureau of Investigation (FBI), and Five-Year Child Abuse and Neglect Records Check Requirements
 1. Prior to the placement of a child, initial training shall be provided through the statewide core curriculum, county department, or CPA.
 - a. Each applicant shall complete twelve hours of core training. Core training shall include, at a minimum, the following ten primary topic areas:
 - 1) General overview of foster care
 - 2) Administrative and legal issues
 - 3) Why children get placed in out-of-home care
 - 4) Parenting and family dynamics
 - 5) Key concepts of child growth and development
 - 6) Importance of the team approach
 - 7) Individual differences, such as ethnicity and culture
 - 8) Discipline
 - 9) Effects of fostering on the foster family
 - 10) Working with the biological family
 - b. In addition to twenty-seven hours of pre-certification training, which includes twelve hours of core training, each foster parent must be certified in First Aid or the equivalent, and CPR for the ages of the children in placement.
 - c. Complete a background check for each adult eighteen (18) years and older living in the home for the following:
 - 1) Child abuse/neglect records in every state where the adult has resided in the five years preceding the date of application; and,
 - 2) Fingerprint-based criminal history checks from the CBI and the FBI; and,
 - 3) The Colorado State Courts Data Access.

2. Ongoing Training

- a. Each applicant shall have twenty (20) hours of ongoing training every year. The training shall be relevant to fostering of children.
- b. If there are children in the home and training is not completed, no additional children shall be placed until training is complete. Children who are currently in placement shall not be disrupted due to this requirement.

C. Exceptions to the Training and CBI, FBI, and Five-Year Child Abuse and Neglect Records Check Requirements

An exception to the above rules may be made for emergency "child specific" placements. These are defined as placements where the child has a prior relationship to the applicant.

1. The applicant may have sixty (60) calendar days from the date of application to complete the above training.
2. In the event of an emergency child specific placement in a previously uncertified home, prior to or at the time of the placement the county shall receive the completed Original Application to Care for Children. In addition, the county and the applicant shall review and sign the CWS-7A form, Individual Provider Contract for Purchase of Foster Care Services, and Foster Care Facility Agreement.

D. If a provisional certificate is to be issued because a "child specific" emergency placement is required in a previously uncertified home, prior to or at the time of the placement the county shall receive the completed Original Application to Care for Children, and the county and the applicant shall review and sign the CWS-7A, Individual Provider Contract of Purchase of Foster Care Services and Foster Care Facility Agreement, and submit fingerprints and current processing fee to the Colorado Bureau of Investigation.

The following shall be initiated by the county department the next working day following an emergency "child specific" placement of a child. Complete a background check for each adult (18 years and older) living in the home for the following:

1. Child abuse/neglect records in every state where the adult has resided in the five years preceding the date of application;
2. Fingerprint-based criminal history checks from the CBI and the FBI except those placements which are completed in compliance with Section 19-3-406, C.R.S. (7.304.21, D, 2, f); and,
3. The Colorado State Courts Data Access.

7.500.312 Issuance/Denial of Certificate

Every application used in the state of Colorado for employment with a child care provider or facility, or for the certification of a foster home, shall include the following notice to the applicant:

"Any applicant who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of perjury in the second degree as defined in Section 18-8-503, C.R.S., and, upon conviction thereof, shall be punished accordingly."

After the completion of the home assessment, the county department shall take one of the following certification actions:

- A. A one (1) year time-limited certificate shall be issued when it is determined that the applicant is competent, has completed the necessary training, and is in compliance with the Rules Regulating Foster Care Homes, Section 7.708. The certificate issue date is the date that the assessment is completed and the foster home is in compliance with Rules Regulating Foster Care Homes, Section 7.708.
 - 1. The number and age of children for whom the home is certified shall be determined by the size of the home and the rules regulating foster care homes, the applicant's previous experience, and parenting skills.
 - 2. Before a certificate is issued, the county department shall review the foster care facility contract and agreement with the foster parents. The contract and agreement must be signed by each applicant prior to certification. If a child is placed and care paid by the county department, rules found in the provider rules section of this manual shall be utilized.
- B. A provisional certificate shall be issued for child specific homes if the home is temporarily unable to conform to all appropriate regulations upon proof by the applicant that attempts are being made to comply with the appropriate regulations.
 - 1. A provisional certificate may be issued to complete required training or in the event that an emergency placement into a previously uncertified home is required. If the applicant does not complete training within six months after application, no additional children can be placed in the home until this requirement is met. The reasons for the issuance of a provisional certificate shall be displayed on the certificate. The Department will not reimburse for children placed in a provisionally certified family foster care home more than 60 calendar days from the date of application.
 - 2. The provisional certificate shall be issued for no more than six months from the date it is determined that time will be needed to complete the regulations or that care is to begin. Only one original provisional certificate may be issued to a foster home at one location address. The Department will not reimburse for children placed in a provisionally certified family foster care home more than 60 calendar days from the date of application.
- C. The application shall be withdrawn when the applicant no longer chooses to pursue certification.
- D. The application shall be denied for one or more of the following reasons:
 - 1. When it is determined that the applicant is not competent to operate a family foster home or is unable or unwilling to comply with the regulations within three months of application.
 - 2. When the individual or person who resides with the applicant has been determined to be insane or mentally incompetent by a court of competent jurisdiction and, should a court enter an order pursuant to Part 3 or Part 4 of Article 14 of Title 15, C.R.S., or Section 27-10-109(4) or 27 10-125, C.R.S., specifically finding that the mental incompetency or insanity is of such degree that the applicant is incapable of operating a family child care home, foster care home, child care center, or child placement agency, the record of such determination and entry of such order being conclusive evidence thereof.
 - 3. If the person applying for the certificate has been convicted of any of the crimes defined in a-e, below. "Convicted" means a conviction by a jury or a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.
 - a. Child abuse, as specified in Section 18-6-401, C.R.S.

- b. A crime of violence, as defined in Section 18-1.3-406, C.R.S.
 - c. Any felony offenses involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.
 - d. Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.
 - e. Any felony involving physical assault, battery or a drug-related/alcohol-related offense within the five years preceding the date of application for a license or certificate.
 - 4. No certificate to operate a foster care home shall be issued by a county department if the person applying for such certificate or a person who resides with the applicant at the foster care home has shown a pattern of misdemeanor convictions within the ten (10) years immediately preceding submission of the application. "Pattern of misdemeanor" shall include consideration of Section 26-6-108(2), C.R.S., regarding suspension, revocation and denial of a license, and shall be defined as:
 - a. Three (3) or more convictions of 3rd degree assault as described in Section 18 3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3, C.R.S. ; or,
 - b. Five (5) misdemeanor convictions of any type, with at least two (2) convictions of 3rd degree assault as described in Section 18 3 204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18 6 800.3, C.R.S.; or,
 - c. Seven (7) misdemeanor convictions of any type.
 - 5. Any offense or finding in any other state, the elements of which are substantially similar to items 2-4 above.
- E. The application may be denied or the foster care certification suspended, revoked or made probationary for one or more of the following reasons, if the person applying for the certificate or any individual living with the applicant or employed by the applicant has (also see Section 7.708.21):
- 1. Been convicted in Colorado or in any other state of any felony, or has entered into a deferred judgment agreement or a deferred prosecution agreement in Colorado or in any other state to any felony other than those offenses specified in Section 26-6-104(7), C.R.S., or child abuse, as specified in Section 18-6-401, C.R.S., the record of conviction being conclusive evidence thereof, notwithstanding Section 24-5-101, C.R.S.; or,
 - 2. Been convicted of third degree assault, as described in Section 18-3-204, C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on any record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S., any misdemeanor violation of a restraining order, as described in Section 18-6-803.5, C.R.S., any misdemeanor offense of child abuse as defined in Section 18-6-401, C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this paragraph; or,

3. Used any controlled substance as defined in Section 12-22-303(7), C.R.S. or consumed any alcoholic beverage or been under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility. This shall not apply to foster care homes, unless such use or consumption impairs the foster parent's ability to properly care for children; or,
4. Been convicted of unlawful use of a controlled substance as specified in Section 18-18-404, C.R.S., unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance as specified in Section 18-18-405, C.R.S., or unlawful offenses relating to marijuana or marijuana concentrate as specified in Section 18-18-406, C.R.S.; or,
5. Consistently failed to maintain standards prescribed and published by the Colorado Department of Human Services; or,
6. Furnished or made any misleading or any false statement or report to the Colorado Department of Human Services; or,
7. Refused to submit to the Colorado Department of Human Services any reports or refused to make available to the Department any records required by it in making investigation of the facility for licensing purposes; or,
8. Failed or refused to submit to an investigation or inspection by the Colorado Department of Human Services or to admit authorized representatives of the Department at any reasonable time for the purpose of investigation or inspection; or,
9. Failed to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to standards prescribed by the Colorado Department of Public Health and Environment and the Colorado Department of Human Services or by ordinances of regulations applicable to the location of the foster care home; or,
10. Willfully or deliberately violated any of the provisions of the Child Care Licensing Act; or,
11. Failed to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, clothing, and other essentials in the proper care of children; or,
12. Been charged with the commission of an act of child abuse or an unlawful sexual offense, as specified in Section 18-3-411 (1), C.R.S., if:
 - a. such individual has admitted committing the act or offense and the admission is documented or uncontroverted; or,
 - b. an Administrative Law Judge finds that such charge is supported by substantial evidence; or,
13. Admitted to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensed in the foster home has committed an act of child abuse, as defined at 19-1-103(1), C.R.S.; or,
14. Been the subject of a negative licensing action.

15. Intentionally misused funds: the individual(s) making the expenditure decision had deliberate, willful, and intentional disregard for the fiduciary responsibility for how public funds are to be used for children placed in foster care or adoptive homes.

- F. A certified kinship care certificate shall be issued when it is determined the applicant has met requirements outlined in Section 7.500.31.

7.500.313 Supervision [Rev. eff. 4/1/12]

- A. Supervision and monitoring of the identified needs of the family foster home shall be carried out according to the following schedule:
1. A face-to-face contact shall be made in the family foster care home with the foster parent(s) at least every month when children are in placement. Documentation of such contact shall be entered in the State Department's automated system in the contacts for the provider and/or the foster children placed in the home. The purpose of the contact is to answer questions that the foster parent has about the program, to indicate to the foster parents county department concerns about the operation of the home, and to observe child care. If the face-to-face contact is not possible, the reasons must be documented in the provider file and a telephone contact must be made. In the event face-to-face contact cannot be made, the maximum number of allowable days between face-to-face contacts shall not exceed forty five (45) calendar days.
 2. An annual supervisory visit shall be made to the family foster home. A written report of the supervisory visit shall be given to the foster parent and a copy maintained in the case file. If a review of the physician's plan indicates a need for an annual examination, a new statement from the physician is required at that time. A written notice of noncompliance with the regulations will be left with the foster parents or sent to the foster parents within fifteen (15) working days of the supervisory visit if there is noncompliance. Compliance must be achieved within the time frames indicated on the written compliance notice.
- B. If a county department of social services no longer chooses to place children in the family foster home, the county department shall follow one or more of the following procedures:
1. A provisional certificate may be allowed to expire if the foster family chooses not to submit a renewal application; or,
 2. The county department must send a written statement to the home explaining that the county will no longer place children in the home for foster care and that the home must not accept any children for care from other sources; or,
 3. The county department must meet with the foster parents and ask them to sign a statement that they are withdrawing from the foster home program; or,
 4. The county department must send a letter to the foster parents requesting the foster parents to sign and return a statement that they are withdrawing from the foster home program.

7.500.314 Renewal or Continuation Notice [Rev. eff. 4/1/12]

The county department shall send a renewal notice to the foster parents at least ninety (90) calendar days prior to the expiration of a certificate.

- A. If the foster parents wish to continue to provide care, the renewal notice shall be completed and returned to the county department prior to the expiration of the certificate.

- B. If the renewal notice is received by the county department prior to the expiration of the certificate, the renewal notice is timely and the certificate continues valid until action is taken by the county department.
- C. If the renewal notice is received after the expiration of the certificate, the renewal notice is untimely and the certificate is no longer valid. The untimely renewal notice shall be acted upon as an original application.

7.500.315 Recertification Action [Rev. eff. 4/1/12]

- A. Within ninety (90) calendar days of the receipt of a timely renewal application for a certificate, the county department must complete the following action to determine if continued certification is appropriate:
 - 1. Review the physician's plan.
 - 2. Conduct a supervisory visit in accordance with Section 7.500.313, A, 2.
 - 3. Complete a CWS-7A form.
 - 4. Evaluate the foster care homes' current and past compliance with the rules regulating foster homes.
 - 5. Review the following information, for the applicant(s) and all individuals residing in the home:
 - a. Any child abuse allegations or investigations in the previous year;
 - b. Any arrest or conviction records in the previous year;
 - c. Any other involvement with the foster family by the county department.
 - 6. A SAFE update is completed to document the status of the foster family, including changes that have occurred.
 - 7. A one year time-limited certificate shall be issued. The certificate issue date will be the date that the foster home is in compliance with the Rules Regulating Family Foster Care Homes; or,
 - 8. A probationary certificate shall be issued with the specific reasons listed on the certificate and on the CWS-7A; or,
 - 9. The renewal application for the certificate is denied. The process for denial of a renewal application is the same as the process for denial of an original application.
 - 10. The certificate information shall be entered into the State Department's automated system.
- B. A family foster home certificate is no longer valid whenever one of the following situations exists:
 - 1. A certified foster family moves to a new address.
 - 2. A foster family decides to withdraw from the foster home program and confirms the same in writing.

3. A certificate has been revoked or the renewal application has been denied.

7.500.316 Inter-county Transfer or Move of Foster Home [Rev. eff. 4/1/12]

- A. When a foster family moves to a new location within the county of residence or within a new county, the family must make a timely notification to the certifying county prior to the move by submission of an original application.
- B. When a foster family moves to a new residence in the same county, the county department shall inspect the new residence to assure compliance with the Rules Regulating Family Foster Care Homes, Section 7.708 (12 CCR 2509-8).

Certification action which results in issuance of a certificate shall be dated in the following fashion:

1. A certificate shall commence the date that the county department determines that there is compliance with the Minimum Rules and Regulations for Family Foster Homes, Section 7.708.
2. The county department may issue a provisional certificate if the home is temporarily unable to conform to all appropriate rules of the Rules Regulating Family Foster Care Homes, Section 7.708, upon proof by the foster parents that attempts are being made to comply with the appropriate regulations. The reasons for the issuance of the provisional certificate will be displayed on the certificate. The provisional certificate may not exceed sixty (60) calendar days from the date it is determined that time will be needed to meet the rules. Only one original provisional certificate may be issued to a foster home at one location address.
- C. When a foster family who has foster children in placement moves to another county, the county of original residence shall immediately forward to the county where the family moves the record on the foster home and children in placement, and ask that county to certify and supervise the home in the new location.
- D. When a foster family who has foster children in placement moves to an adjoining county, the county of original residence shall immediately notify the adjoining county and may ask permission to continue to certify and supervise the home. Upon notification from the second county of its approval, certification assessment of the foster home shall be completed by the original county, and a permanent or provisional certificate issued.

7.500.317 Complaint Investigations [Rev. eff. 4/1/12]

- A. When a complaint of child abuse or neglect is received by the agency about a certified facility, the local investigating authority and placement workers of children in the home shall be notified immediately. Investigation shall be made according to the procedures outlined for investigation of institutional abuse as found in the Program Area 5 Section.
 1. A determination shall be made immediately whether children should remain in placement or if other children should be placed in the home while the investigation is in progress.
 2. The results of the investigations shall be summarized and included in the foster home facility file. This may be in the form of the final written report completed by the investigating county.
 3. Upon receipt of the written report from the investigating county, the certifying county shall make a determination within three working days whether there will continue to be future

use of the home. The foster home shall be notified in writing and the notification recorded in the foster home facility file as to the decision regarding future use of the home. If the foster home certificate is closed, suspended or revoked, the county department shall notify the Colorado Department of Human Services in writing.

4. The final decision regarding the future use of the foster home shall be confirmed in writing to the home and recorded in the foster home facility file within ten (10) working days of the receipt by the certifying agency of the final written report of a child abuse investigation. If the county department continues to certify a foster home where there has been a confirmed report for medium or severe child abuse or neglect, the county department must notify the State Department in writing within three (3) business days and submit justification for keeping the foster home certified.
 5. Administrative proceedings to modify, limit or revoke the certificate will be initiated by the certifying agency within 30 calendar days of notification of any adverse decision regarding future use of the home.
 6. After the State Institutional Abuse Team reviews the investigating county finding, the State Institutional Abuse Team may recommend that a follow-up investigation be completed. The county shall advise the State Department of actions taken by entering a report into the State Department's automated system within thirty (30) calendar days of the receipt of the State Institutional Team's request.
- B. Other types of complaints shall be investigated by the certifying authority. The investigation shall result in a determination whether the complaint is valid and, if so, what corrections or modifications the home must make. The results of the investigation shall be confirmed in writing within ten (10) working days.

7.500.32 Specialized Group Facilities

- A. Specialized group facilities provide long-term or emergency care of children who must live away from their own homes and who can benefit from group interaction, need a more therapeutic setting than that provided in a family foster home, and need the experience of strong peer relationships.
- B. A specialized group home and specialized group center are defined in the Minimum Rules and Regulations for Specialized Group Facilities. A specialized group home and specialized group center shall be licensed by the state department.
- C. The recruitment of specialized group facilities shall center on the recruitment of primary caregivers who meet the requirements of primary caregiver as stated in the Minimum Rules and Regulations for Specialized Group Facilities and are capable of working closely with the department and a variety of other agencies.
- D. The county department which establishes and sponsors a specialized group facility shall assign a department staff member to be the supervisor of that facility who meets the requirements as stated in the Minimum Rules and Regulations for Specialized Group Facilities. The supervisor shall develop policies for the facility pursuant to the regulations prior to issuance of the original license.
- E. Requirements for the Operation of Specialized Group Homes or Specialized Group Centers
 1. The specialized group facility shall be sponsored and supervised by a county department of social/human services or a child placement agency.

2. The supervisory responsibilities of the sponsoring agency are:
 - a. To be knowledgeable with the rules regulating specialized group facilities; and,
 - b. Participate in the development and application process to include verifying that the original application submitted is complete with all required signatures and submitted in a timely manner; and,
 - c. Ongoing assessment of the specialized group facility for quality of care issues; and,
 - d. Annual evaluations of the governing body, unless the governing body and the sponsoring agency are the same agency; and
3. The sponsoring agency shall be responsible to ensure that state rules are followed regarding:
 - a. The hiring, training and scheduling staff; and,
 - b. Placement decisions including, but not limited to, appropriateness of placement and least restrictive environment; and,
 - c. The documentation, reporting and corrective action of critical incidents.

7.500.321 Application and Study for an Original License [Rev. eff. 4/1/12]

- A. If the county department establishes and plans to sponsor a specialized group facility and the governing body for the specialized group facility is the applicant for the license, both the county department and the governing body must sign the original application. An original application which is totally complete and a fee shall be submitted to the State Department, including a written plan for the supervision of the specialized group facility. The name of the supervisor for the specialized group facility must be identified on the application.
- B. The county department shall complete a study of the specialized group facility which shall consist of at least the following:
 1. An assessment of character and suitability of the primary caregivers, including at least a review of the State Department's automated system as to the applicant and persons who reside with applicant in the facility, with written approval by such persons, receipt of statements from references and physician, review of existing case records, evaluation by a certified psychologist, psychiatrist or Licensed Clinical Social Worker documented by a written statement that includes all items listed at Section 7.709.22, J, 1-16; and documentation of the prior work experience of the primary caregiver with children in out-of-home care.
 2. Statement from references and physician for each staff member working at the specialized group home or center.
 3. The State Department shall require any applicant or licensee and any person eighteen (18) years of age or older who resides with the applicant or licensee in the specialized group facility or who works in the specialized group facility to obtain and review:
 - a. Fingerprint-based criminal history checks from the CBI and the FBI as required in Section 7.701.33 in all circumstances.

- b. Child abuse/neglect records in every state where the adult has resided in the five (5) years preceding the date of application; and,
 - c. Information from the Colorado State Courts data access.
- 4. An on-site facility inspection, documented in writing, which determines that the facility is in compliance with the Minimum Rules and Regulations for Specialized Group Facilities.
- 5. Written approval received by the county department from the local health, fire, and zoning departments.
- 6. A CWS-7A, Individual Provider Contract for Purchase of Foster Care Services and Foster Care Facility Agreement, shall be signed by the primary caregivers.
- 7. Completion of policies for the operation of the specialized group home.
- C. The group home primary caregivers who have not previously received twelve (12) hours of “core” training shall receive twelve (12) hours of training within the first twelve (12) months following the submission of the application.
- D. The application form requires that several attachments be submitted. The application is incomplete and the license cannot be issued until these are submitted. The county department must also submit the following with the application:
 - 1. Documentation of experience, the medical statement, reference statements and written statement from a certified psychologist, psychiatrist or Licensed Clinical Social Worker regarding the primary care giver.
 - 2. The name of each staff member, dates of receipt of medical statements and references.
 - 3. Written and dated documentation that an on-site home inspection has been made and the facility is in compliance with the Minimum Rules and Regulations for Specialized Group Facilities.
- E. The license will not be issued until the State Department has received an approving written report from the fire, health, and zoning departments as required by the General Rules for Child Care Facilities, Section 7.701.34. Approvals may be verified by signature of the inspector on the application form.

7.500.322 Supervision

The group home supervisor shall provide supervision for the group home or group center pursuant to the Minimum Rules and Regulations for Specialized Group Facilities.

7.500.323 Complaint Investigations

Complaints of child abuse or neglect and other complaints about a specialized group home or center shall be investigated and documented in the same manner as for family foster homes.

7.500.324 Dual Licenses and Certificates

- A. A home may be licensed and certified to provide both day care and family foster care simultaneously. This is known as a dual care provider. Dual care providers utilized by county departments of human/social services are certified by the county for foster care and licensed by the State for day care.

1. If a certified family foster home wishes to accept children for day care on a regular basis, the home shall apply for a license for day care from the Colorado Department of Human Services and pay the prescribed fee.
2. If the certified family foster home wishes to provide day care, the certifying agency must approve.
 - a. The county department shall complete a justification statement as to how the needs of all children will be met and protected in this home if certified for foster care and licensed for day care, which shall be filed in the case record.
 - b. The county department shall document in the case record the specific number of children for combined use of the home, specific number of children as a day care home, and a specific number of children in family foster care.
3. A home that is licensed for day care may only be certified for foster care for one child or for a group of siblings.
4. A county that has a foster home that is certified for foster care and also licensed for day care must notify the Division of Child Care when any of the following situations occur in the foster home:
 - a. A complaint is received; or,
 - b. A child abuse investigation occurs; or,
 - c. A Stage II investigation occurs; or,
 - d. A foster child(ren) is removed from the home because of abuse allegations; or,
 - e. The foster home certificate is changed to probationary; or,
 - f. The foster home certificate is revoked or closed.
5. A county that has a foster home that is certified for foster care and also licensed for day care must submit the following reports to the CDHS Division of Child Care:
 - a. All complaint investigation reports; and,
 - b. All child abuse investigation reports; and,
 - c. All Stage II investigation reports.

7.500.33 - 7.500.34 (None)

7.500.35 Adoption Resources

7.500.351 Applications and Adoption Services [Rev. eff. 3/2/11]

A. Recruiting and Inquiries

1. The county department recruits adoptive homes that reflect the racial, ethnic, cultural, and linguistic backgrounds for all waiting children. The county shall make reasonable efforts to recruit families of the same ethnic, cultural and racial background as the children waiting adoption.

2. The county department provides information about adoption services within the county department and services available through other adoption agencies and organizations. Requests for studies for children from private sources shall be referred to private agencies.
3. Families approved for international adoption and waiting for adoptive placement can be simultaneously approved for adoption with public and private adoption agencies as long as both agencies are aware of the arrangement.
 - a. The family shall inform the public agency of its current relationship with the private agency that approved it for an international adoption.
 - b. The family shall sign a release for information from the private agency to be provided to the county department of their choice. The released information shall include, but not be limited to, the following:
 - 1) Current home study completed in the Structured Analysis Family Evaluation (SAFE) format by the private agency;
 - 2) Documentation of training completed by the family.
 - c. The county shall do an update of the home study using the SAFE home study format and clarify the type of child for whom the family would be approved via the county's approval process.
 - d. The county must obtain the following new information from the family:
 - 1) References;
 - 2) Physicals;
 - 3) CBI background checks;
 - 4) FBI background checks; and,
 - 5) Trails abuse/neglect background checks.
 - e. The county shall continue to follow its regular policies and procedures in considering the family for potential placements.
 - f. The family shall sign an agreement with both the public and private agency stating that the family shall inform either agency when there is a potential placement. The agreement shall state the following:
 - 1) All parties understand and agree that the agency not placing the child will put the family "on hold" for a minimum of six months following the date that the child is placed in the family's home;
 - 2) At the end of the six month period "on hold", all parties including the family, the two agencies and any other person or persons who have a vested interest in the adoptive placement of the child, shall meet to discuss whether or not the "on hold" period should continue and the reason(s) behind that decision;

- 3) The placing agency shall complete a home study update using the SAFE format regarding the progress and appropriateness of the new placement and make recommendations for further adoptive placements in the future;
- 4) The non-placing agency shall update its home study using the SAFE format, with the same criteria such that the non-placing agency has made its own recommendations for further placements.
- g. The public agencies shall advise families that home studies completed for public agencies are not suitable to determine the appropriateness for placement with children from other countries.
- h. The public agency shall assure that the required information is included in either the private agency's home study or in the update completed by the public agency.

B. Applications

- 1. The county department accepts applications for the adoption of children only from persons who meet the requirements of the Colorado statute, who have expressed an interest in the placement of a child who might be available at the time of the application.
- 2. The applicants shall be informed that submitting an application does not guarantee that an assessment shall be performed or a child placed with them.
- 3. The county notifies the adoptive parent(s) of the disposition of the application in a timely manner.
- 4. The county department of human/social services shall require verification of an individual's lawful presence in the United States, as provided in general eligibility requirements as found in Section 3.140.11 (9 CCR 2503-1), in order to approve an application for a child's adoption.
- 5. The county department of human/social services shall require the individual applying to adopt a child(ren) to notify the Department when the Structure Analysis Family Evaluation (SAFE) home study will be used in the next six months for a second parent adoption.

C. Requirements for Adoption

- 1. A single foster home or adoptive assessment as outlined in Section 7.500.2 must be completed prior to the child being placed with the intent of adoption.
- 2. The assessment must include a visit to the home and a separate interview of the potential adoptive parents. Other adults living in the home shall be interviewed.

D. Qualifications for Completing Adoptive Home Study Reports

- 1. In the application for inclusion as a vendor to complete adoptive home studies, each county department, qualified individual, or child placement agency must provide documentation concerning education, training, years of experience, and knowledge regarding adoptive placement and supportive services provided to children with special needs or are being supervised by an individual who meets the qualifications.

2. Any county department staff, qualified individual, or child placement agency staff shall meet the following qualifications or be supervised by an individual who meets the qualifications to conduct adoptive home studies for children in the custody of county departments being placed for adoption:
 - a. Bachelors, masters, or doctorate in a human service related field, such as psychology, sociology, child development, social work, health and education, from an accredited college or university; and, three years experience in child placement, child protection, foster care, or adoption.
 - b. If the individual does not meet the experience requirement, an individual who meets the above criteria must supervise him or her.
 - c. Individuals presently involved in the field who do not meet the above experience criteria or do not have access to direct supervision in their agency must purchase supervision time by someone who meets the above criteria. Individuals will be given three years from the date of enactment of this rule to obtain the necessary experience.
 - d. Individuals who are current employees of the county or a child placement agency and have a BA or BS degree with a minor in psychology, sociology, mental health, rehabilitation, or education and five years of experience in human services, three of which must have been in child placement, child protection, foster care or adoption, may apply to be on the vendor list.
 - e. Individuals who are current employees of the county or a child placement agency with a BA or BS degree and ten years experience , three of which must have been in child placement, child protection, foster care or adoption, may apply to be on the vendor list.
 - f. A designated qualified individual may conduct a SAFE home study for an individual that is planning a second parent adoption. An individual that is not an employee of a county department of human /social services or a licensed child placement agency, who is involved with the adoption of a child from a county department, must be approved and listed on the State Department's vendor list.

E. Approval

1. The county department director or the director's designated agent shall approve adoptive assessments on the form, Approval of Adoptive Home. The assessment and the approval shall not be done by the same person.
2. Applicants shall be kept aware of their status with the agency. If there are serious concerns during the assessment process which cannot be resolved, the study worker shall discuss these concerns and the decision of whether or not to proceed with the family. The clients shall be encouraged to withdraw if this is advisable.
3. When an adoptive assessment has been approved the county shall:
 - a. Inform the applicants in writing of the final decision regarding their applications within 15 working days from the date the decision is made.
 - b. Send written notification to the applicant(s), which includes the following:
 - 1) That the application to adopt is approved.

- 2) The age, sex, and any special characteristics of the child(ren) which will be considered for them.
- 3) Any other conditions of the approval which pertain.
- 4) That the adoptive assessment is available only for the adoption of a child(ren) placed by a Colorado county department of social services or a child(ren) placed in cooperation with an agency licensed to place children for adoption.
- 5) The applicants' right to a review of the decision by the county director or the director's designee of the type of child for which the parent(s) is approved.
- 6) The applicants' responsibility to inform the county department of significant changes of circumstances which could impact their adopting.

F. Denial of Applicant Based on Assessment

The decision to deny approval of the applicant(s) adoption assessment shall be a joint decision involving at least the worker and the supervisor. The county shall do the following:

1. Send the applicant(s) written notice of the denial within fifteen working days of the decision.
2. The county shall have a face-to-face interview to discuss the reasons for the denial if the family requests a meeting.
3. Notify the applicant(s) of their right to a review by the county director or the director's designee if they are dissatisfied with the decision.

G. Reevaluation of Assessment

If a child has not been placed in the adoptive home within one year from the date of the approval of the adoption assessment, the assessment shall be reevaluated if the home is to remain active for consideration of a child, and annually thereafter until a placement is made or the case is closed. Reevaluation shall consist of at least the following:

1. Statement every two years from a licensed doctor of medicine or osteopathy regarding the current physical condition of the applicants and others living in the home. The county department shall have the discretion to require an updated medical report prior to the two year standard.
2. Documentation of any changes in the home and family, i.e., finances, employment, housing, illnesses, pregnancy, and current information, where applicable, on growth, development, and activities of children in the home.
3. Changes, if any, in the kind of child desired, the reason for the change, and the family's capacity to provide for the child currently requested.
4. Determination of the appropriateness to continue approval of the home.

H. Second or Additional Assessments

If a family has previously adopted a child and applies to adopt an additional child, the assessment shall be a comprehensive study unless the original assessment is available. The second or any additional assessment shall include the following:

1. A minimum of one personal contact with the applicant(s) in which the parents are interviewed alone, as well as together with the children in order to enable the worker to observe the interaction between the parent(s) and child(ren).
2. An in-depth discussion of motivation for adoption of an additional child, changes in family relationships since the last assessment, the development of the applicant's child or children, the effect of another adoption on the children already in the family, kind of child to be considered, current family information, medicals, and photographs of the family.

I. Foster Parent Assessments

1. The single assessment completed on a foster family for foster care will be accepted for adoption. The worker will check the adoption box on the single application form and, if appropriate, write a brief update.
2. The worker shall discuss the subsidy program with the foster parents, focusing on the child's special needs and the family's ability to meet those needs.

J. Inter-country Adoption

1. Non-public foreign adoptions shall comply with the Children's Code.
2. County departments complete assessments for foreign adoption only on authorization of the state department adoption program supervisor.

7.500.352 Fees

- A. The county department informs persons applying to adopt what fees may be involved in adopting through the county. Fees are based on the ability to pay for the adoptive services rendered by the county department which provides the home assessment services. Although the fee may be waived, a fee charged to a family cannot exceed \$800 for the initial home study and \$500 for an update. Fees for the yearly reevaluation shall not exceed \$200 unless special circumstances exist and approval is granted by the county director or his/her designee.
- B. The fee is established on ability to pay or cost of service, whichever is less.
- C. Fees will be charged to adoptive families coming into Colorado or who receive a child from another state, in accordance with the adoption services provided. If the child being placed is in the custody of a public agency and receiving services through the Interstate Compact on the Placement of Children the family shall not be charged a fee.
- D. No fee is charged to persons or families whose income is below the poverty level, as established by the United States Department of Agriculture, or who are recipients of Supplemental Security Income, Colorado Works, or state- and county-funded assistance payments.
- E. Fees may be waived in whole or in part by the county department which provides the home assessment services when such fees pose a barrier to the adoption of special needs children for whom a county department is financially responsible. If an adoptive family, for whom the fee has been waived, decides not to adopt a child with special needs, then they are to pay the appropriate fee. If the fee is waived, the waiver should be documented in the county record.

- F. When an assessment is court ordered, the adoptive parents shall be charged a fee for a home assessment, supervision or a report to the court in accordance with the above fees.

7.500.353 Case Records [Rev. eff. 8/1/06]

- A. The Adoptive Family Record will contain all documentation required for approval for adoption, such as application, home assessment, and medicals.
- B. The county department maintains a record for each adoptive family approved for the placement of a child. Upon completion of the legal adoption of a child(ren), the family's record shall be closed and maintained in a secure location at the county in order to preserve confidentiality as required by statute.
- C. Any material contained in the family's record regarding a child placed with and adopted by the family shall be maintained at the county with the family's adoption record. After the decree of adoption has been issued, the county department shall not retain information in an open record which will link the adoptive family with the child's original identity except information necessary to maintain the subsidized adoption record.
- D. Access to Adoption Assessments
1. Prior to filing petition to adopt:
 - a. The records of prospective adoptive parents are confidential, as provided in Section 26-1-114(1), C.R.S., as amended.
 - b. The county department shall not provide records of prospective adoptive parents to an individual or agency, other than another Colorado county department involved in the adoptive process, without the written permission of the prospective parents, including husband and wife, if both are involved in the adoption process.
 - c. The county shall not release a copy of the home assessment to the prospective adoptive parents. Adoptive parents who wish to read their home assessment must make a written request to the county department signed by husband and wife, if both are involved in the adoptive process. The parts of the home assessment to be made available shall include any information provided by the prospective parents and the written social assessment made by the county department or licensed child placement agency.
 - d. The following shall not be made available to the prospective adoptive parents:
 - 1) Medical and health reports.
 - 2) Reports of psychiatric and psychological evaluations.
 - 3) Scholastic records of the prospective adoptive couple or members of the family.
 - 4) Reports of contacts with references.
 - 5) Any other pertinent third party information.
 2. After filing petition to adopt:

- a. The county department will provide court reports on adoptions outlined in Colorado statute.
- b. Records and papers in relinquishment and in adoption proceedings shall be confidential as outlined in Colorado statute.

7.500.354 Correspondence with Out of State Agencies [Rev. eff. 8/1/06]

All correspondence with out of state child placement agencies regarding adoption shall be forwarded to the selected agency for routing to an out of state child placement agency.

7.500.355 Purchase of Adoption Services from Agency Providers [Rev. eff. 8/1/06]

On behalf of a child, the county department may elect to purchase from agency providers any one or all of the following: pre-placement services, recruitment services, home assessment/evaluation services, placement services, post-placement services, post-finalization services.

A. Eligible Cases

- 1. Children for whom adoption services may be purchased by a county department shall be children freed for adoption, for whom an adoptive home is not available and whom are listed with the Colorado Adoption Resource Registry (CARR).
- 2. All children in need of adoptive placement must be listed with the CARR or a request for exclusion must be submitted to the CARR.
- 3. The county department wishes to purchase a pre-placement assessment from an agency provider, in a case of a child whose functioning, in the judgment of the county department, is particularly difficult to assess and/or services to legally free the child, prior to the child's information being submitted to the CARR.
- 4. Services for special needs children not yet freed for adoption may be purchased by a county department when in the judgment of that department it is anticipated and likely that the child will become freed for adoption. Adoption services purchased for these children shall be limited to pre-placement, recruitment, and home assessment services.

B. Case Referral

- 1. Eligible cases shall be referred to the agency provider for purchase of part or all of the adoption process.
- 2. In its agreement, the county department shall require that the agency provider shall write a case plan for providing adoptive services to the referred child reflecting the joint planning. This plan shall include objectives, specific desired outcomes, and target dates. Regular progress reports shall be submitted to the county department by the agency provider, and shall address all of the requirements of the case plan.

C. Service Hour Rate

Payment for purchased adoption services shall be on an actual cost basis, up to a specified maximum for each adoption component. The rate shall be based on the base service hour cost of the agency provider, which is the allowable program costs divided by case service hours in the program (i.e., hours spent by professional staff in performing adoption services on a case).

D. Provider Billing and Fees

1. Billing for adoption services provided shall be case-specific and component-specific. That is, the county department shall accept bills from the agency provider only on those cases on which it has entered into an agreement with the county department and only for the component(s) of the adoption process which the county department has agreed to purchase.
2. In its agreement with the agency provider for a given client, the county department shall require that payment by the department shall be the sole payment the provider shall receive from any source for the services provided to the department's client under the contract. This provision shall not affect the assessment of client fees by the agency provider for other clients and for other services not included in the agreement with the department.

E. Payment to Provider

1. Payment shall be made to the agency provider for those components provided and billed.
2. Payment to the provider shall be for satisfactory completion of the duties required by the agreement.
3. In the case of disrupted placements, the agency provider shall be paid for actual time spent on the case, not to exceed the maximum allowed for the component(s) utilized to that point in the placement. This payment shall be at the rate of the approved service hour cost as reflected in the component computation.

F. Reimbursement to County Department

The State Department of Human Services shall reimburse the county department for purchase of adoption service expenditures under approved agreements.

G. Provider Agreement and Requirements

1. The county department and the agency provider shall enter into a provider agreement for adoption services to be purchased.
2. The county department shall monitor the provision of services under the purchase of adoption services agreement.
3. The agency provider shall be responsible to the county department for the quality of services provided under the agreement. For pre-placement, home assessment/evaluation, placement, and post-placement service components, the agency provider shall meet the standards for service quality as per the licensing regulations for adoption agencies.
4. County departments shall purchase adoption services only from agency providers who give assurance in their agreement that the purchased services shall be delivered only by staff who meet the following minimum qualifications:
5. For non-direct service components e.g. recruitment and legal services, providers shall have:
 - a. Some background showing awareness of and sensitivity to adoption issues; and,
 - b. At least one year of experience and/or a degree appropriate to the service being purchased and (for legal services) a license to practice in their specialty field.

7.500.356 Volunteers as Department Resources [Rev. eff. 8/1/06]

- A. The county department shall have a policy which states its commitment to and use of volunteers within the department.
- B. Recruitment of volunteers will be targeted to individuals who can accept agency policy and work within it; deal with difficult clients in a supportive, educational manner, have access to a car to provide transportation, if needed; be able to relate to workers, clients, and collaterals in a professional way; and, demonstrate an empathetic concern for and understanding of clients who are in need of help.
- C. Volunteers shall be trained about topics needed for the volunteer's job.
- D. There shall be a job description for the volunteer which describes the duties, location(s), and supervision of the volunteer job.
- E. The volunteer shall be evaluated and given recognition for his/her contribution to the agency.
- F. The volunteer shall be trained in agency standards of confidentiality and shall sign a statement that he/she understands the principles of confidentiality and will not share information about the client outside the agency.
- G. The county shall develop a policy concerning agency and volunteer's liability.

Editor's Notes

History

Sections 7.500.2.B - C.3, 7.500.311 emer. rule eff. 08/03/2007.

Sections 7.500.2 - C.3, 7.500.315 eff. 09/01/2007

Sections 7.500.2, 7.500.311 eff. 10/30/2007.

Sections 7.500.2, 7.500.351 emer. rule eff. 12/7/2007.

Sections 7.500.2, 7.500.351 eff. 1/30/2008.

Sections 7.500.3, 7.500.317 eff. 4/1/2008.

Sections 7.500.2, 7.500.31, 7.500.32 eff. 11/1/2008.

Section 7.500.351 (A-B) eff. 02/01/2010.

Sections 7.500.3, 7.500.351.A.1, 7.351.B.1, 7.351.C.1 eff. 03/02/2011.

Sections 7.500.11, 7.500.2.A - .C, 7.500.2.E - .H, 7.500.3, 7.500.31.E - .J, 7.500.311.B - .D, 7.500.313.A, 7.500.314, 7.500.315, 7.500.316.A - .B, 7.500.317.A.6, 7.500.321.B - .C eff. 04/01/2012.

Sections 7.500.31, 7.500.31.K eff. 12/01/2012.