

DEPARTMENT OF PERSONNEL AND ADMINISTRATION

Division of Central Services

ADDRESS CONFIDENTIALITY PROGRAM RULES

1 CCR 103-6

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

The purpose of the Address Confidentiality Program rules is to implement the provisions of HB 11-1080, administer the Address Confidentiality Program, clarify for the Address Confidentiality Program stakeholders, including the general public and any organizations that may be affected by the program, of the transfer of authority from the Secretary of State to the Division of Central Services, and provide transparency as to any modifications or changes to previous rules governing the program which may affect stakeholders.

Preamble:

Unless otherwise noted in a specific provision, the Address Confidentiality Program (ACP) rules were adopted by the Department of Personnel & Administration pursuant to a Statement of Basis & Purpose dated April 10, 2014. This version of the rules reflects promulgation of the rule found at 1 CCR 103-6 in its entirety. Such rules and procedures were effective July 15, 2014.

1.0 Introduction

The proposed rules are necessary for the administration and implementation of the Address Confidentiality Program Act as set forth in §24-30-2101 et seq., and for implementing the provisions of HB11-1080, which amended the Act and moved the program from the Office of the Secretary of State to the Department of Personnel and Administration.

1.1 Authority

These regulations are adopted pursuant to the authority in §24-30-2101 et seq., C.R.S., (The "Address Confidentiality Program") and are intended to be consistent with the requirements of the State Administrative Procedure Act, §24-4-101, et seq. (the "APA").

1.2 Scope and Purpose

These rules are intended to clarify and carry out the provisions of the Address Confidentiality Program Act [§24-30-2101, et seq.].

1.3 Specific Authority

Specific authority for rule-making is provided by §24-30-2113, C.R.S.

2.0 Definitions

2.1 "The state" means the State of Colorado.

2.2 "Residential, work or school address" means a residential, work or school address located within the State of Colorado.

- 2.3 “Co-applicant” means a person certified into the program as a participant pursuant to §24-30-2105(3)(j), C.R.S.
- 2.4 The term “program participant” or “participant” includes co-applicant participants.
- 2.5 “Program” refers to the Address Confidentiality Program.
- 2.6 “Written notification” means a declaration to the program from a participant that is signed by the participant.

3.0 Application Assistant Designation

- 3.1 The Application Assistant training and designation process consists of:
- a) Completing an in-person or online training which is conducted or approved by the Address Confidentiality Program and;
 - b) Submitting a completed Application Assistant Agreement.
- 3.2 The Application Assistant designation is valid for a two-year period and may be renewed by submitting a new Application Assistant Agreement prior to the end of the two-year term.
- 3.3 Application Assistants must provide the Address Confidentiality Program with current employer and contact information.
- 3.4 Application Assistants who change employment may retain their designation as long as they continue to meet the statutory criteria for the Application Assistant designation and submit an updated Application Assistant Agreement.
- 3.5 The Address Confidentiality Program will notify Application Assistants prior to the expiration of their designation using the contact information on record with the program.
- 3.6 An Application Assistant designation will expire if the Application Assistant fails to submit a new Application Assistant Agreement before the end of their two year term.
- 3.7 An Application Assistant may cancel his or her designation at any time by notifying the Address Confidentiality Program.

4.0 Program Application

- 4.1 Application Assistants who are interested in personal program enrollment must meet with another designated Application Assistant.

5.0 Participant Telephone Number and Address Changes

- 5.1 Participants must notify the Address Confidentiality Program of any changes in address or telephone number in writing. Participants may use the “Change of Information Form” provided by the program or any other written format, so long as the notification contains the signature of the participant (or the parent or guardian of the participant) requesting the change.

6.0 Program Cancellation

- 6.1 A program participant may withdraw certification of a co-applicant participant by providing the program with written notification that the co-applicant participant is no longer residing with the participant pursuant to §24-30-2105(3)(j), C.R.S.

6.2 The program shall follow the cancellation process set forth in §24-30-2107(2), C.R.S. for co-applicant participants.

6.3 A program participant who relocates to another state will be cancelled from the program:

- a) 60 days after the relocation; or
- b) Upon the participant's request to withdraw pursuant to §24-30-2107(1)(a), C.R.S. or;
- c) Upon the program's receipt of written notification that the participant has enrolled in another state's confidential address program.

6.4 The program will provide cancelled participants with notice regarding the right to appeal the cancellation as well as appeal process instructions.

7.0 Appeal of Program Cancellation

7.1 After cancellation, and during the 30 day appeal period, any first-class mail addressed to a cancelled participant will be returned the sender, and service of process will be refused.

7.2 To appeal program cancellation, a participant must provide the program with a written statement as to their views, arguments, and reasons why they should not be cancelled from the program.

7.3 If a participant was cancelled for failure to provide a current address or contact information, the appeal letter must contain a statement explaining why the program was not provided with this information and how that problem will be avoided in the future.

7.4 The appeal statement does not need to be any particular length or format, but the appeal must provide a current address, phone number or contact number, and must be signed and dated by the program participant.

7.5 The appeal statement can be mailed, faxed, or sent by email. Any appeal must be received by the program before the appeal period ends. The appeal period end date is provided in the Cancellation Notice.

7.6 After the 30 day appeal period, a cancelled or withdrawn participant may reapply for program enrollment through a new application process.

8.0 Expedited release of Participant Information to Criminal Justice Officials or Agencies

8.1 Expedited release of participant information shall be granted in response to a written request setting forth the reason(s) requiring the expedited release of information to the criminal justice agency. The request must be on agency letterhead and signed by the employee of the criminal justice agency requesting such information and his or her direct supervisor, or acting supervisor if the employee's direct supervisor is unavailable.

8.2 In accordance with §24-30-2110(12), C.R.S., the request must be accompanied by a notarized statement certifying that the information requested is required pursuant to a criminal justice trial, hearing, proceeding, or investigation involving a program participant, and that the participant's actual address will be protected from the public and personnel who are not involved in the trial, hearing, proceeding or investigation. In lieu of the statement, a criminal justice agency or official may submit a notarized "Emergency Disclosure of Information" form available on the address confidentiality program website.

9.0 School Enrollment and Record Transfers

- 9.1 At the request of an enrolling school, the Address Confidentiality Program will determine the student/participant's school district eligibility based on the current residential address listed in the participant's program file.
- 9.2 The Address Confidentiality Program will notify the enrolling school of district eligibility in writing.
- 9.3 The Address Confidentiality Program will request a student's records for the purpose of transferring such records from one school to another upon receiving the written request and authorization from the student's parent or legal guardian.

Editor's Notes

History

Entire rule eff. 11/30/2011.

Entire rule eff. 07/15/2014.

Annotation

Entire rule was not extended by House Bill 12-1086 and therefore expired 05/15/2012.