Title of Proposed Rule:	Rule Revisions for 12 CCR 2509-8; 7.701 & 7.705	
CDHS Tracking #:	23-11-06-01	
Office, Division, & Program:	Rule Author: Logan Ellett	Phone: 720-245-1195
Office of Children, Youth, and Families, Division of Child Welfare, Provider Services Unit		E-Mail: logan.ellett@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. [x] Board [ ] Executive Director

b. [X] Regular [ ] Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

X	AG Initial Review		X	Initial Board Reading			AG 2nd Review			Second Board Reading / Adoption

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

Number	
86	Amended Rules
58	New Rules
34	Repealed Rules
	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	December 2024

What date is being requested for this rule to be effective?	MAY ~~March~~ 30, 2025
Is this date legislatively required?	No

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

Office Director Approval: _____ Date: _____

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REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION
Comments:

Estimated Dates:	1st Board	December 2024	2nd Board	APRIL and MAY ~~February~~ 2025	Effective Date	JUNE ~~March~~ 2025

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.
Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. ***1500 Char max***

The proposed rule revisions to 12 CCR 2509-8 Section 7.701 - General Rules for Child Care Facilities are needed to support adjustments in current practice for licensed providers in the state of Colorado. Updates are needed primarily to remove the Colorado Department of Early Childhood (CDEC) language that was removed when CDEC split from CDHS, thus removing language that is no longer pertinent to CDHS or programs that it administers. The purpose of the proposed rule revisions also includes adjustments to the fee schedules to adjust for inflation, as well as adding language removed from other sections in 12 CCR 2509-8 that apply to most facility types. For example, definitions were removed from other areas within the rule and added to 7.701 so that all definitions would be in one central location as universally applicable to all 24-hour licensed facility types.

Also included in this rule package are proposed rule revisions to 12 CCR 2509-8 Section 7.705 - Rules Regulating Residential Child Care Facilities and Section 7.714 - Quality Standards for Twenty-Four Hour Child Care. Revisions to these sections are necessary to support the Family First Prevention Services Act (FFPSA) federal mandates, as well as necessary updates to reflect current practices in licensed residential child care facilities. Proposed language includes removing rules duplicative to COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE), adding therapeutic wilderness rules section, adding shelter care services and runaway and homeless youth services rules, reorganization of the physical restraint and seclusion sections, additions to the QRTP section of rule, additions of a volunteers and interns section, and additions surrounding control of contraband. Proposed revisions across each section include removing gendered pronouns, changing SOME OF ~~every~~ “shall” LANGUAGE to “may” or “must”, and adding ‘youth’ to all areas where only ‘child’ is mentioned, and the rule applies to both youth and children.

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(5)(b), C.R.S. (2024)	Authorizes the State Board to promulgate rules for programs administered under Title 26 and Title 27.

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26-1-111(2)(d)(I), C.R.S. (2024)	Authorizes the state department through executive director and rules of state board to promulgate rules for child welfare services including out-of-home placement services.

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
26-6-905(c)(I), C.R.S. (2024); 26-6-905(c)(III), C.R.S.	The department shall promulgate rules for renewal of agency and facility licenses.
26-6-905(6), C.R.S. (2024)	The department shall promulgate rules for the approval of foster care homes and child care centers.
26-6-905(7), C.R.S. (2024)	The department shall promulgate rules for adverse actions.
26-6-912(1)(a)(I)(B), C.R.S. (2024)	The department shall promulgate rules for fingerprint processes.
26-6-907, C.R.S. (2024)	The department shall promulgate rules surrounding fees for processes.
26-6-909(1), C.R.S. (2024)	The department shall promulgate rules related to fire protection and prevention.
26-6-909(2), C.R.S.; 26-6-909(2)(a), C.R.S.	The department shall promulgate rules prescribing standards for facilities and agencies.
26-6-909(3), C.R.S. (2024)	The department shall promulgate rules related to the authority to possess and self-administer medication for asthma, a food allergy, or anaphylaxis.
26-6-911(1), C.R.S. (2024)	The department shall promulgate rules that apply to foster care through a county department of human services or child placement agency.
26-6-912(1)(a)(1)(A), C.R.S. (2024); 26-6-912(1)(a)(I)(D), C.R.S. (2024); 26-6-912(1)(a)(I)(B), C.R.S. (2024)	The department shall promulgate rules that define and identify what the criminal history record check entails.

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26-6-912(1)(d)(2), C.R.S. (2024); 26-6-912(1)(d), C.R.S.	The department shall promulgate rules concerning inspection reports, licenses, and complaint procedures.
26-6-915(2), C.R.S. (2024)	The state board shall promulgate rules requiring facilities and agencies to provide written notice to parents and legal guardians of the children cared for in facilities or agencies and process for filing complaints.
26-6-915(1)(c), C.R.S. (2024)	The state board shall promulgate rules concerning the assessment of a fine against a licensee.
26-6-922(4), C.R.S. (2024)	The department shall promulgate rules for the procedures for appeals for child placement agencies and misused funds.
26-6-912(B), C.R.S. (2024) and 26-6-912(1)(A)(I)(D)(II)(B), C.R.S. (2024)	The state board shall promulgate rules to implement subsection (1)(a)(I). Rules promulgated by the state board pursuant to subsection (1)(a)(I) of this section must also include: Any other recognized database that is accessible on a statewide basis as set forth by rules promulgated by the state board;

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

If yes, please explain.	*The below rules repeat language <u>verbatim</u> found in statute*
	26-20-102(2), C.R.S. is verbatim to rule 7.701.2 Definitions of “Chemical Restraint”
	12-245-202(3.5), C.R.S. is verbatim to rule 7.701.2 Definitions of “Conversion Therapy”
	24-7-101(1), C.R.S. AND 24-7-101(2), C.R.S. is verbatim to rule 7.701.2 Definitions of “Electronic Signature”
	26-20-102(3), C.R.S. is verbatim to rule 7.701.2 Definitions of “Emergency”
	26-6-914(6)(a)(II), C.R.S. is verbatim to rule 7.701.2 Definitions of “Convicted”
	19-7-302(14), C.R.S. is verbatim to rule 7.701.2 Definitions of “Foster Youth in Transition Program”
	19-1-130(1)(B), C.R.S. is verbatim to rule 7.701.2 Definitions of “Gender Identity”
	~~26-5.7-105(1), C.R.S. is verbatim to rule 7.701.2 Definitions of “Homeless Youth Shelter”~~
	18-3-503(1), C.R.S. is verbatim to rule 7.701.2 Definitions of “Human Trafficking”

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	26-20-102, C.R.S. is verbatim to rule 7.701.2 Definitions of “Mechanical Restraint”
	26-6-903(21)(A), C.R.S. is verbatim to rule 7.701.2 Definitions of “Negative Licensing Action”
	22-33-104.5(2)(a), C.R.S. is verbatim to rule 7.701.2 Definitions of “Nonpublic Based Home Educational Program”
	26-20-102(5.3), C.R.S. is verbatim to rule 7.701.2 Definitions of “Prone Position”
	26-20-102(5.5), C.R.S. is verbatim to rule 7.701.2 Definitions of “Prone Restraint”
	26-6-903(28), C.R.S. is verbatim to rule 7.701.2 Definitions of “Relative”
	26-6-903(30), C.R.S. is verbatim to added rule 7.701.2 Definitions of “Residential or Day Treatment Child Care Facility”
	26-6-903(31), C.R.S. is verbatim to rule 7.701.2 Definitions of “Respite Child Care Center”
	26-20-102(6), C.R.S. is verbatim to rule 7.701.2 Definitions of “Restraint”
	26-20-102(7), C.R.S. is verbatim to rule 7.701.2 Definitions of “Seclusion”
	26-6-903(32), C.R.S. is verbatim to rule 7.701.2 Definitions of “Secure Residential Treatment Center”
	26-6-903(34), C.R.S. is verbatim to rule 7.701.2 Definitions of “Specialized Group Facility”
	26-6-903(35), C.R.S. is verbatim to rule 7.701.2 Definitions of “Therapeutic Foster Care”
	26-6-0903(36), C.R.S. is verbatim to rule 7.701.2 Definitions of “Treatment Foster Care”
	19-1-103(141), C.R.S. is verbatim to rule 7.701.2 Definitions of “Trauma-Informed”
	26-6-903(1), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “AFFILIATE OF A LICENSEE”
	26-6-903(2), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “APPLICATION”
	26-6-903(3), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “CERTIFICATE”
	26-6-903(4), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “CERTIFICATION”
	26-6-903(5), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “CHILD CARE CENTERS”
	19-1-103(46), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “COURT-APPOINTED SPECIAL ADVOCATE” OR “CASA VOLUNTEER”
	26-6-903(6), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “CHILD PLACEMENT AGENCY”
	26-6-903(9), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “DEPARTMENT”
	26-6-903(21)(B), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF “FINAL AGENCY ACTION”

	26-6-903(11), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "GOVERNING BODY"
	26-6-903(12), C.R.S IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "GUARDIAN"
	18-3-503(1), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE."
	26-6-903(16), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "KINSHIP FOSTER CARE HOMES"
	26-6-903(17), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "LICENSE"
	26-6-903(19), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "LICENSING"
	26-6-903(18), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "LICENSEE"
	26-20-102(5), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "PHYSICAL RESTRAINT"
	25.5-4-103(19.5), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY"
	26-6-903(26), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "QUALIFIED RESIDENTIAL TREATMENT PROGRAM"
	25-1.5-301(4) IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "QUALIFIED MANAGER"
	26-6-903, C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "SIBLING"
	26-6-903(29), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "RESIDENTIAL CHILD CARE FACILITY"
	26-6-903(5), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITION OF "CHILD CARE CENTERS
	19-1-103(1), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "CHILD ABUSE"
	26-6-903(6), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "CHILD PLACEMENT AGENCY"
	26-6-903(8), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "DAY TREATMENT CENTER"
	26-6-903(10), C.R.S. IS VERBATIM TO RULE 7.701.2 DEFINITIONS OF "FOSTER CARE HOME"
	26-6-914(2), C.R.S. is verbatim to rule 7.701.33.F
	26-6-914(2)(a), C.R.S. is verbatim to rule 7.701.33.F.1
	26-6-914(2)(e), C.R.S. is verbatim to rule 7.701.33.F.5
	26-6-914(2)(f), C.R.S. is verbatim to rule 7.701.33.F.6
	26-6-914(2)(g), C.R.S. is verbatim to rule 7.701.33.F.7
	26-6-914(2)(H), C.R.S. is verbatim to rule 7.701.33.F.8
	26-6-914(2)(i), C.R.S. is verbatim to rule 7.701.33.F.9
	26-6-914(2)(j), C.R.S. is verbatim to rule 7.701.33.F.10

	26-6-914(2)(l), C.R.S. is verbatim to rule 7.701.33.F.12
	26-6-914(2)(m), C.R.S. is verbatim to rule 7.701.33.F.13
	26-6-914(2)(o), C.R.S. is verbatim to rule 7.701.33.F.15
	26-6-909(2)(E)(II), C.R.S. is verbatim to rule 7.701.34.D
	18-13-121(1)(a), C.R.S. is verbatim to added rule 7.701.91.D
	27-5.7-105(7), C.R.S. is verbatim to rule 7.705.72.B.3
	The below rules are comparable to language found in statute
	26-6-904, C.R.S. is comparable to rule 7.701.11.B.1-4
	24-72-301(1), C.R.S. is comparable to rule 7.701.2 Definitions of "Colorado Criminal Justice Records Act" or "CCJRA"
	~~26-6-903(16), C.R.S. is comparable to rule 7.701.2 Definitions of "Kinship Foster Care Homes"~~
	~~26-5.7-102(3), C.R.S. is comparable to rule 7.701.2 Definitions of "Homeless Youth Shelter"~~
	26-6-921, C.R.S.is comparable to rule 7.701.12.A
	26-6-918, C.R.S. is comparable to rule 7.701.12.A.3
	26-6-915, C.R.S. is comparable to rule 7.701.12.C
	~~26-6-903(29), C.R.S. is comparable to rule 7.701.2 Definitions of "Residential Child Care Facility"~~
	26-6-909(4), C.R.S. is comparable to rule 7.701.13.A.1 & 7.701.13.B & 7.701.13.D.2
	24-4-105, C.R.S. is comparable to rule 7.701.13.D.4
	27-50-102, C.R.S. is comparable to rule 7.701.2 Definition of "Behavioral Health Administration"
	~~19-1-103(1), C.R.S. is comparable to rule 7.701.2 Definitions of "Child abuse"~~
	~~26-6-903(5), C.R.S. is comparable to rule 7.701.2 Definition of "Child Care Centers"~~
	~~26-6-903(6), C.R.S. is comparable to rule 7.701.2 Definitions of "Child Placement Agency"~~
	~~26-6-903(8), C.R.S. is comparable to rule 7.701.2 Definitions of "Day Treatment Center"~~
	~~26-6-903(10), C.R.S. is comparable to rule 7.701.2 Definitions of "Foster Care Home"~~
	24-60-1802, C.R.S. is comparable to rule 7.701.2 Definitions of "Interstate Compact on the Placement of Children"
	12-245, C.R.S. is comparable to rule 7.701.2 Definitions of "Mental Health Professional"
	19-1-127, C.R.S. is comparable to rule 7.701.2 Definitions of "Voluntary Placement"
	26-6-914(2)(d), C.R.S. is comparable to rule 7.701.33.F.4
	26-6-914(2)(b), C.R.S. is comparable to rule 7.701.33.F.2
	26-6-914(2)(c), C.R.S. is comparable to rule 7.701.33.F.3
	26-6-914(2)(k), C.R.S. is comparable to rule 7.701.33.F.11

	26-6-914(2)(n), C.R.S. is comparable to rule 7.701.33.F.14
	26-6-914(2)(p), C.R.S. is comparable to rule 7.701.33.F.16
	26-6-906(3), C.R.S. is comparable to rule 7.701.363.A
	19-3-304, C.R.S. is comparable to rule 7.701.53.B
	18-8-503, C.R.S. is comparable to rule 7.701.8
	26-6-903(29), C.R.S. is comparable to rule 7.705
	26-5.7-105(4), C.R.S. is comparable to rule 7.705.72.B.1
	26-5.7-106(2)(A), C.R.S. is comparable to added rule 7.705.72.B.7
	26-5.7-105(7), C.R.S. is comparable to amended rule 7.705.72.B.3
	26-5.7-105(5), C.R.S. is comparable to amended rule 7.705.72.B.4
	26-5.7-105(2), C.R.S. is comparable to amended rule 7.705.72.B.5
	26-20-103(1), C.R.S. is comparable to rule 7.714.531.A
	26-6-914(2)(K), C.R.S. is comparable to rule 7.714.536.B
	26-6-914(2)(K), C.R.S. is comparable to rule 7.714.547.E
	12-245-224(1)(T)(IV), C.R.S. is comparable to rule 7.714.81.E.23
	12-245-224(1)(T)(V), C.R.S. is comparable to rule 7.714.81.E.24
	The below rules were references only
	26-6-910, C.R.S. is referenced within rule 7.701.13
	27-65-111(5), C.R.S. is referenced within rule 7.701.2 Definitions of “Chemical Restraint”
	25.5-6-903, C.R.S. is referenced within rule 7.701.2 Definitions of “Children’s Habilitation Residential Program (CHRP) Waiver”
	26-6-901, C.R.S. is referenced in rule 7.701.2 Definitions of “Facility”
	26-6-903(29), C.R.S. is referenced in added rule 7.701.2 Definitions of “psychiatric residential treatment facility”
	18-1.3-501, C.R.S. is referenced in amended rule 7.701.32.G
	24-72-302(4), C.R.S. is referenced in rule 7.701.33.B
	18-6-401, C.R.S. is referenced in rule 7.701.33.C.6.A
	18-1.3-406, C.R.S. is referenced in rule 7.701.33.C.6.B
	16-22-102(9), C.R.S. is referenced in rule 7.701.33.C.6.C
	18-6-800.3, C.R.S. is referenced in rule 7.701.33.C.6.D
	26-6-914(2), C.R.S. is referenced in rule 7.701.33.C.6.F
	18-3-204, C.R.S. is referenced in rule 7.701.33.C.6.F.1
	18-6-800.3, C.R.S. is referenced in rule 7.701.33.C.6.F.1
	18-3-204, C.R.S. is referenced in rule 7.701.33.C.6.F.2
	18-6-800.3, C.R.S. is referenced in rule 7.701.33.C.6.F.2
	26-6-910(5), C.R.S. is referenced in added rule 7.701.33.E

	26-6-903, C.R.S. is referenced in rule 7.701.33.F
	26-6-921, C.R.S. is referenced in rule 7.701.33.F
	26-6-905(8), C.R.S. is referenced in rule 7.701.33.F.1
	18-6-401, C.R.S. is referenced in added rule 7.701.33.F.1
	24-5-101, C.R.S. is referenced in added rule 7.701.33.F.1
	18-3-204, C.R.S is referenced in added rule 7.701.33.F.2
	18-6-800.3, C.R.S. is referenced in added rule 7.701.33.F.2
	18-6-803.5, C.R.S. is referenced in added rule 7.701.33.F.2
	18-6-401, C.R.S. is referenced in added rule 7.701.33.F.2
	18-18-404, C.R.S. is referenced in added rule 7.701.33.F.5
	18-18-405, C.R.S. is referenced in added rule 7.701.33.F.5
	18-18-406, C.R.S. is referenced in added rule 7.701.33.F.5
	18-3-411(1), C.R.S. is referenced in rule 7.701.33.F.13
	19-1-103(1), C.R.S. is referenced in added rule 7.701.33.F.14
	26-6-903, C.R.S. is referenced in amended rule 7.701.33.G
	26-6-912, C.R.S. is referenced in amended rule 7.701.33.I
	26-6-905, C.R.S. is referenced in amended rule 7.701.33.I
	26-6-907(2), C.R.S. is referenced in amended rule 7.701.35
	26-6-922, C.R.S. is referenced in amended rule 7.701.361.A
	26-6-901-922, C.R.S. is referenced in amended rule 7.701.362.A
	26-6-914(2), C.R.S. is referenced in 7.701.364.A
	26-6-903(21), C.R.S. is referenced in 7.701.364.A
	26-6-907(1)(B)(V), C.R.S. is referenced in 7.701.4.H
	19-3-304, C.R.S. is referenced in amended rule 7.701.52.A.2
	26-5-111, C.R.S. is referenced in 7.701.52.A.2.C
	24-72-204, C.R.S. is referenced in added rule 7.701.61.H
	24-14-103.5, C.R.S. is referenced in rule 7.701.91.A
	18-8-114(1)(a), C.R.S. is referenced in rule 7.701.500.D
	26-6-914(2)(G), C.R.S. is referenced in rule 7.701.500.D
	10-4, C.R.S. is referenced in amended rule 7.705.13.B
	25-14-103.5, C.R.S. is referenced in rule 7.705.55.E.9
	27-65-103, C.R.S. is referenced in 7.705.63.A.1.A
	27-65-103, C.R.S. is referenced in 7.705.63.A.6
	24-60-1802, C.R.S. is referenced in 7.705.63.A.10
	26-20-103, C.R.S. is referenced in rule 7.705.67.A.10.D
	26-20-103, C.R.S. is referenced in rule 7.705.68.A.11.C

	19-1-307(2)(e.5)(I), C.R.S. is referenced in amended rule 7.705.72.B.4
	26-6-903, C.R.S. is referenced in rule 7.705.101.A
	12-255-104(11), C.R.S. is referenced in rule 7.705.204.A
	12-245-301 through 12-245-309, C.R.S. is referenced in rule 7.705.205.A.1
	12-245-401 through 12-245-410, C.R.S. is referenced in rule 7.705.205.A.2
	12-245-501 through 12-245-506, C.R.S. is referenced in rule 7.705.205.A.3
	12-245-601 through 12-245-607, C.R.S. is referenced in rule 7.705.205.A.4
	12-245-208, C.R.S. is referenced in rule 7.705.205.B
	26-6-903(29), C.R.S. is referenced in rule 7.705.301
	27-65-103, C.R.S. is referenced in rule 7.714.21.E.3
	24-60-1802, C.R.S. is referenced in rule 7.714.21.H.1
	27-65-104, C.R.S. is referenced in rule 7.714.31.B.17
	27-65-102, C.R.S. is referenced in rule 7.714.31.B.17
	12-245-203.5, C.R.S. is referenced in rule 7.714.31.B.17
	26-20-103, C.R.S. is referenced in rule 7.714.53.B
	26-20-103, C.R.S. is referenced in rule 7.714.532.A
	26-20-104(4), C.R.S. is referenced in rule 7.714.532.D
	22-32-138(1)(G), C.R.S. is referenced in rule 7.714.6.A.1
	24-72-204, C.R.S. is referenced in rule 7.714.6.D
	25-47-103, C.R.S. is referenced in rule 7.714.82.J.3.B
	25-1.5-303, C.R.S. is referenced in rule 7.714.82.J.12.A
	12-38-132, C.R.S. is referenced in rule 7.714.82.J.12.D
	25.5-4-103(19.5), C.R.S. is referenced in amended rule 7.705.101.A

Title of Proposed Rule:	Rule Revisions for 12 CCR 2509-8; 7.701 & 7.705	
CDHS Tracking #:	23-11-06-01	
Office, Division, & Program:	Rule Author: Logan Ellett	Phone: 720-245-1195
Office of Children, Youth, and Families, Division of Child Welfare, Provider Services Unit		E-Mail: logan.ellett@state.co.us

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?

Many groups will be impacted by this rule packet and rule shifts. Other state departments such as Behavioral Health Administration (BHA), Colorado Department of Public Health and Environment (CDPHE), Colorado Department of Early Childhood (CDEC), Health Care Policy and Financing (HCPF), and Colorado Department of Education (CDE) all have weighed in on the proposed rules and sections that impact them directly. Providers of all license types will be impacted by the rule changes. These providers include residential child care facilities, qualified residential treatment programs (QRTP), psychiatric residential treatment programs (PRTP), general, treatment, and therapeutic foster care, child placement agencies, homeless youth shelters, day treatment centers, therapeutic wilderness programs, and specialized group facilities. County departments of social or human services may also be impacted indirectly by some of the rule changes as they use the licensed providers for placements from county child welfare.

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?

This rule-making will impact the groups listed above in a myriad of ways. The state departments listed are impacted, as many of the shifts in this packet happened to remove duplicative rule language or rules that were specific to the other state departments. Rules that have been removed from this rule packet exist in CDPHE rule sets at 6 CCR 1011-1 as well as the CDEC rule sets at 8 CCR 1402-1. Other state departments also oversee our facilities and want to ensure that any reference to their rules or their department procedures are clearly outlined and identified in any of our rule changes. Providers are most directly impacted by the rule changes, as they are the ones held to these standards and held accountable to the rules in this CCR series. Counties are indirectly impacted as they utilize the providers listed above to accept placement of the children and youth entering county custody. It is hard to estimate the number of people that will be impacted, but we would anticipate it in the tens of thousands if you counted all state departments, county departments, and providers and their staff. Short-term consequences of the rule changes are that some providers will be out of compliance with new rules and regulations and potentially submitting more appeals or having more reports of inspection generated by the licensing and monitoring specialists assigned to the facilities. We do not anticipate any long-term negative impacts to providers. However, we do anticipate positive long-term outcomes with more clearly defined and trauma-informed practice for each of the licensing types.

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. ***The answer should NEVER be just "no impact" and should include "no impact because…."***

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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)*

The Colorado Department of Human Services will have a positive fiscal impact from this rulemaking, as licensing fees for providers are increased by 3%. CDHS has the authority to increase fees to licensed facilities according to 26-6-907(1)(a), C.R.S. With this authority, the Provider Services licensing team has implemented an annual licensing fee for all 24-hour child care facilities licensed under the Department. Licensing fees are essential to help cover direct administrative costs per Section 26-6-907(1)(c), C.R.S. Licensing fees have not been increased since 2020. The proposed fee structure increases the costs of licensing fees by adjusting up 3% over the last four years.

County Fiscal Impact

This rulemaking will not have a fiscal impact for counties because these rules are directed toward licensed providers and do not require action on the part of counties.

Federal Fiscal Impact

This rulemaking will not have a federal fiscal impact because these rules are directed toward licensed providers and do not require action on the part of the federal government.

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

This rulemaking will not fiscally impact local governments because these rules are directed toward licensed providers and do not require action by local governments. Licensed providers will have a fiscal impact from this rule making. This rulemaking increases licensing fees by 3% for all licensed providers. These fees have not been increased since 2020. Licensed providers may also be impacted by this rule making as it pertains to appeals. Previously all appeals filed by licensed providers to licensing Reports of Inspection were free of charge. This rulemaking adjusts fees for appeals as allowed pursuant to Section 26-6-907(1)(b)(V), C.R.S. The new rule allows each provider five appeals free of charge and then requires a charge of $25 per appeal in order to offset direct and indirect costs of the department. This fiscal impact of fees for providers will be dependent on the number of appeals a provider files. This rule making has been examined for fiscal impact for direct services and indirect costs. This rulemaking will not fiscally impact direct services or indirect costs for licensed providers because no additional requirements for licensure were made that impact licensed providers financially. Requirements for background checks and staff to youth ratios remain unchanged.

4. Data Description

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

The original pre-rule for these suggested revisions was submitted in 2021 to update language to be consistent with the Family First Prevention Services Act (FFPSA). A draft was completed at that point and brought through multiple stakeholder/partner feedback groups to garner feedback. The drafts stalled between 2021 and August of 2023 when manager and now rule author, Logan Ellett, took over updating

the proposed rules and language that had already been developed. To the rule author's knowledge, there were no questionnaires or studies that were relied upon in the development of these rules.

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. **Answers should NEVER be just "no alternative" answers should include "no alternative because…"**

There are no alternatives to this rule making because of the significant amount of revisions, additions, and edits that were made and necessitated by FFPSA, CDPHE, CDEC, and working with providers. Rule edits and improvements were necessary and could not be accomplished in another way.

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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):

Rules were drafted by the Provider Services Unit inside of the Division of Child Welfare for the Colorado Department of Human Services for the first draft. There were eleven, two-hour internal CDHS feedback sessions held with staff from Administrative Review Division, Provider Services Unit, Youth Services, Permanency, Dr. Deborah Monaghan, and other units contributing to the proposed language that went out for provider feedback. Also involved in the beginning draft was Fire Marshal Chief Jennifer Henderson of Louisville Fire Protection District in Boulder County, Colorado and all state agencies listed below.

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:

During the rule-making process, the following individuals and entities were contacted and/or consulted on the proposed rules for consideration: Broomfield Human Services, Douglas County, Denver County, Jefferson County Deputy County Attorney, Colorado Association of Family and Children's Agencies (CAFCA), Fostering Colorado, Mountain States Children's Home, Griffith Center, Ascend Group Home, Signal, Smith Agency, Maple Star, Seeds Wilderness Therapy, The Daisy Center, Karis Inc., Jefferson Center for Mental Health, Rocky Mountain Health Plans, Sandstone, Third Way Center, Parker Personal Care Homes, Ariel Clinical Services, Whimspire, Keystone Achievements, Gateway, Shiloh House, Firefly Autism, Laradon, Tennyson Center, Colorado Behavior and Learning Group, TGTHR, Children's Hospital of Colorado, Cedar Springs Hospital, Cloverleaf Enrichment Schools of Douglas County, Facility Schools, lived experts, and people from the public. Public comments and feedback are housed at the bottom of this document as well as linked here for reference.

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?

[X] Yes [ ] No

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

The Behavioral Health Administration (BHA)
The Division of Child Welfare, Provider Services Unit (CDHS)
The Division of Child Welfare, Youth Services Unit (CDHS)
The Office of the Child's Representative (OCR)
The Administrative Review Division (CDHS)
The Colorado Department of Health Care Policy and Financing (HCPF)
The Colorado Department of Education (CDE)
Input linked here for reference

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

[X] Yes [ ] No

Name of Sub-PAC	Child Welfare SubPAC		
Date presented	January 4, 2024 and August 1, 2024		
What issues were raised?	No Issues Raised		
Vote Count	*For*	*Against*	*Abstain*

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			No Vote was Taken
If not presented, explain why.	Rules were presented for awareness to Child Welfare SubPAC on January 4, 2024 just before Information Memos were published regarding partner feedback sessions. Rules will not be brought to Child Welfare SubPAC for a vote, as they are provider-facing rules and do not directly impact counties.		

PAC
Have these rules been approved by PAC?

[X] Yes [ ] No

Date presented	September 5, 2024; Approved October 3, 2024		
What issues were raised?	No issues were raised, as it was on the consent agenda		
Vote Count	*For*	*Against*	*Abstain*
	All votes to move forward in October		
If not presented, explain why.			

Other Comments
Comments were received from stakeholders on the proposed rules:

[X] 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.

DEPARTMENT OF HUMAN SERVICES

Social Services Rules

CHILD CARE FACILITY LICENSING

12 CCR 2509-8

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

7.700 CHILD CARE FACILITY LICENSING

7.701 GENERAL RULES FOR CHILD CARE FACILITIES

7.701.1 INTRODUCTION

All rules in Section 7.701 THROUGH 7.701.500~~, et seq.~~, shall be known and hereinafter referred to as the General Rules for Child Care Facilities and will apply to all child care applicants and licensees subject to the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act, Sections 26-6-~~1~~901 to 26-6-~~119~~923, C.R.S.

7.701.11 Licensing Exemptions

A. A license must be obtained before care begins unless such care is exempt as set forth below.

B. PURSUANT TO SECTION 26-6-904, C.R.S., A license is not required for:

~~1. A special school or class in religious instruction. Religious instruction is defined as instruction in religion as a subject of general education, or instruction in the principles of a particular religious faith. Faith or spiritually-based programs which offer religious instruction combined with early childhood education, child care or child development activities as a part of the daily routine must obtain a child care license.~~

~~2. A special school or class operated for a single skill building purpose. Single skill building includes activities or instruction in one subject area. A single skill program includes the development of an individual skill which does not include naptime periods or overnight care, or any other time children are not engaged in that specific activity. Any time activities other than the identified single skill are provided; the program is no longer considered a single skill program and must obtain the appropriate license. Meals and snacks may be incorporated into the single skill request.~~

~~3. A child care center operated in connection with a church, shopping center, or business where children are cared for during short periods of time, not to exceed three hours in any twenty-four (24) hour period of time, while parents or persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location, shopping, patronizing or working on the premises of the business. This facility must be operated on the premises of the church, business, or shopping center. Only children of parents or guardians who are attending a church activity; patronizing the business or shopping center or working at the church, shopping center or business can be cared for in the center.~~

~~4. Occasional care of children with or without compensation, which means the offering of child care infrequently and irregularly that has no apparent pattern.~~

~~5. A family care home that provides less than 24-hour care. Care must only be provided using one (1) of the options below at any one time:~~

~~a. Care of children who are directly related to the caregiver by blood, marriage or adoption. The relationship between the caregiver and child includes biological child(ren), step-child(ren), grandchild(ren), niece, nephew, sibling, or first cousin and provide care for~~

~~children who are siblings from the same family household which is unrelated to the provider; or~~

~~b. Care of up to four (4) children, related or unrelated to the caregiver. No more than two (2) children under the age of two years may be cared for at any one time.~~

~~6~~1. A child care facility that is approved, certified, or licensed by any other state ~~department or~~ agency~~,~~ or by a federal government department or agency~~, which~~ THAT has standards for operation of the facility and inspects or monitors the facility~~.~~;

~~7~~2. ~~The medical care of children in nursing homes.~~ OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION; ~~OR~~

~~8~~3. ~~Ski area guest child care facilities as defined at Sections 26-6-102(16) and 26-6-103.5, C.R.S.~~ JUVENILE COURTS; OR

~~9~~4. ~~Neighborhood Youth Organizations as defined at Sections 26-6-102(5.8) and 26-6-103.7, C.R.S.~~ NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

7.701.12 Civil Penalties and Injunctions

A. Violation of any provision of the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act or intentionalLY false statements or reports made to the ~~State~~ Department or to any agency lawfully delegated by the ~~State~~ Department to make an investigation or inspection may result in fines assessed of not more than $~~100~~250 a day FOR THE FIRST DAY, $500 A DAY FOR THE SECOND DAY, AND $1,000 A DAY FOR THE THIRD AND SUBSEQUENT DAYS, to a maximum of $10,000, PURSUANT TO SECTION 26-6-921, C.R.S.:

1. A civil penalty will be assessed by the ~~State~~ Department only in conformity with the provisions and procedures specified in Article 4 of Title 24, C.R.S. No civil penalty will be assessed without a hearing conducted pursuant to SECTION 26-6-901 THROUGH 26-6-923, C.R.S. OF the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act and Article 4 of Title 24, C.R.S., before an Administrative Law Judge acting on behalf of the ~~State~~ Department.

2. ~~Prior to~~ UPON receipt of a cease and desist order from the Department ~~or from any agency delegated by the Department to~~ AND AFTER ~~make~~ MAKING an investigation or inspection under the provision of the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act, any unlicensed child care facility OR AGENCY may be fined up to $~~100~~250 a day FOR THE FIRST DAY, $500 A DAY FOR THE SECOND DAY, AND $1,000 A DAY FOR THE THIRD AND SUBSEQUENT DAYS, to a maximum of $10,000 for providing THE TYPE OF care WITHOUT A LICENSE for which a license is required.

~~3. For providing child care for which a license is required after receipt of a cease and desist order, an unlicensed facility will be fined $100 a day to a maximum of $10,000.~~

~~4~~3. Assessment of any civil penalty under this section will not preclude the ~~State~~ Department from initiating injunctive proceedings pursuant to Section 26-6-~~111~~918, C.R.S.

~~5~~4. A licensed child care facility OR AGENCY may be fined up to $~~100~~250 a day FOR THE FIRST DAY, $500 A DAY FOR THE SECOND DAY, AND $1,000 A DAY FOR THE THIRD AND SUBSEQUENT DAYS, to a maximum of $10,000 for each violation of the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act or for any statutory grounds as listed at Section 26-6-~~108~~914(2), C.R.S.

~~6~~5. Assessment of any civil penalty does not preclude the ~~State~~ Department from also taking action to deny, suspend, revoke, make probationary, or refuse to renew that license.

~~7~~6. Any person intentionally making a false statement or report to the Department or to any agency delegated by the ~~State~~ Department to make an investigation or inspection under the provisions of the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act may be fined up to $~~100~~250 a day FOR THE FIRST DAY, $500 A DAY FOR THE SECOND DAY, AND $1,000 A DAY FOR THE THIRD AND SUBSEQUENT DAYS, to a maximum of $10,000.

~~8~~7. Civil penalties assessed by the ~~State~~ Department must be made payable to the Colorado Department of Human Services.

B. In addition to civil penalties that may be assessed under Section 7.701.12.A, when an individual operateS a facility OR AGENCY after a license has been denied, suspended, revoked, or not renewed, or before an original license has been issued, injunctive proceedings may be initiated to ~~enjoin~~ STOP the individual from operating a~~ child care~~ facility OR AGENCY without a license.

C. PURSUANT TO SECTION 26-6-915, C.R.S., Within ten (10) days after receipt of a WRITTEN NOTICE ~~notice of final agency action~~ with regard to a negative licensing action or the imposition of a fine, PURSUANT TO SECTION 26-6-914(2) AND (8), C.R.S., ~~or when the State Department identifies and documents in a report of inspection serious violations of any of the standards that could impact the health, safety, or welfare of a child cared for at the facility~~ THE FACILITY OR AGENCY ~~or family child care home, each child care center, facility or family child care home~~ must provide the ~~State~~ Department with the name(s) and mailing address(es) of the parent(s) or legal guardian(s) of each child/YOUTH cared for at the facility OR AGENCY. WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND ADDRESSES OF PARENTS AND LEGAL GUARDIANS, The ~~State~~ Department SHALL~~ can~~ SEND A WRITTEN NOTICE TO notify the parent(s) or legal guardian(s) of the negative licensing action taken or THE~~ the serious violation impacting the health, safety, or welfare of a child~~ FINE IMPOSED AND PROVIDE~~ING~~ A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN/YOUTH IN THE CARE OF THE FACILITY OR AGENCY. WRITTEN NOTICE MUST INCLUDE THE CURRENT MAILING ADDRESS AND TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT RESPONSIBLE FOR LICENSING. The facility/agency will be responsible for paying a fine to the ~~State~~ Department that is equal to the direct and indirect costs associated with the mailing of the notice.

7.701.13 Appeals and Waivers

The ~~State~~ Department is authorized to hear and decide ~~three~~ TWO (2) kinds of appeal or waiver requests by applicants or licensees: hardship appeals in this rule set, also referred to as hardship waivers~~,~~ AND stringency appeals~~, and materials waiver requests,~~ according to the following procedures. For purposes of this Section 7.701.13, a county department of human/social services that certifies foster homes under~~ §~~ SECTION 26-6-~~106.3~~910, C.R.S., is a "licensee."

A. Hardship Waivers

1. Any applicant or licensee who has applied for or been issued a license to operate a child care facility or~~ child placement~~ agency has a right to appeal, pursuant to ~~§~~ SECTION 26-6-~~106~~909(~~3~~4), C.R.S., any rule or standard which, in ~~his or her~~ THEIR opinion, poses an undue hardship on the person, facility, or community.

a. "Undue hardship" is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee's business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.

b. Emergency hardship ~~appeals~~WAIVERS are requests by applicants or licensees to excuse noncompliance with a specific child care licensing rule due to urgent, significant, and unexpected situations outside the applicant's or licensee's control. Specific situations that may be considered "emergencies" under this paragraph include, but are not limited to:

1) Natural disasters;

2) Infectious disease outbreaks;

3) Mold outbreaks;

4) Acts of nature or an accident resulting in structural damage to the child care facility; or,

5) For foster care homes and residential child care facilities, an immediate, child(ren)/YOUTH-specific~~,~~ emergency placement, A situation which may disrupt placement, or A situation posing a safety risk to ~~a~~ child(ren)/YOUTH in out-of-home placement.

2. Such A WAIVER ~~appeal~~ must be submitted to the ~~State~~ Department in writing within sixty (60) calendar days from the date on which the rule, standard, or emergency situation allegedly created the hardship. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the DEPARTMENT ~~appropriate division~~. Each rule appealed requires an individual appeal and applicable fee. If the appeal is an emergency hardship WAIVER appeal, the applicant or licensee must mark it as such on the state-prescribed form.

3. When submitting a~~n~~ WAIVER ~~appeal~~, the applicant/~~ or~~licensee/DESIGNATED REPRESENTATIVE must consider the impact on the health, safety, and wellbeing of any children/YOUTH in care and include a proposed alternate compliance plan.

4. The ~~State~~ Department must consider the impact of a~~n~~ WAIVER~~appeal~~ on the health, safety, and wellbeing of the children/YOUTH in care, which must take priority over any undue hardship alleged, when determining whether an appeal should be granted.

5. If the ~~State~~ Department grants a~~n~~ WAIVER~~appeal~~ for undue hardship, it will issue the applicant or licensee an official decision notification letter temporarily excusing the applicant or licensee from compliance with the appealed rule or standard and accepting the alternate compliance plan.

B. Stringency Appeals

1. Any applicant or licensee who has applied for or been issued a license to operate a child care facility or ~~child placement~~ agency has a right to appeal, pursuant to ~~§~~ SECTION-26-6-~~106~~909(~~3~~4), C.R.S., any violation of a child care licensing rule cited in a report of inspection, on the basis that the rule has been too stringently applied by a representative of the ~~State~~ Department.

   A. "Stringency," as used in this Section 7.701.13, means the ~~child care licensing~~ DEPARTMENT representative applied rules too strictly, improperly, or unfairly.

   B. Disputes over the factual accuracy of a cited violation are not reviewable under this provision and must be resolved with the licensing representative's supervisor.

2. Such AN appeal must be submitted to the ~~State~~ Department in writing within sixty (60) calendar days from the date of the report of inspection at issue. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the DEPARTMENT ~~appropriate division~~. Each rule citation requires an individual appeal and applicable fee.

3. When submitting an appeal, the applicant/~~ or~~licensee/DESIGNATED REPRESENTATIVE must provide all evidence that it believes shows the rule was applied too stringently.

4. The ~~State~~ Department must consider the impact of an appeal on the health, safety, and well-being of the children/YOUTH in care.

5. If the ~~State~~ Department finds a licensing rule was too stringently applied in the appealed citation, it will issue the applicant or licensee a new report of inspection with that citation removed, which shall, for all purposes, supersede the original report of inspection. IF THE DEPARTMENT GRANTS AN APPEAL FOR STRINGENCY, IT WILL ISSUE THE APPLICANT OR LICENSEE AN OFFICIAL DECISION NOTIFICATION LETTER.

C. THE REQUIREMENTS OF APPLICANTS AND LICENSEES THAT ARE NOT APPEALABLE ARE OUTLINED IN THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT IN SECTION 26-6-901, C.R.S. THROUGH SECTION 26-6-923, C.R.S.

~~C. Materials Waiver Requests~~

~~1. A child care center that is applied for or has been issued a license may request a waiver, pursuant to § 26-6-105.7, C.R.S., to use certain hazardous materials in its program or curriculum that would otherwise violate child care licensing rules.~~

~~2. The child care center must submit a materials waiver request in writing on the statepresribed form to the appropriate division. Each rule for which waiver is requested requires an individual request and applicable fee. If the request also seeks to remove a citation on a report of inspection involving the materials, it must be submitted within sixty (60) calendar days from the date of the report of inspection; otherwise, it may be submitted at any time.~~

~~3. A child care center requesting a materials waiver must adopt a safety policy, included with the waiver request, that provides that:~~

~~a. Early childhood teachers are trained in the use of the specific material(s) in a way that provides reasonable, developmental-and age-appropriate safety provisions for children;~~

~~b. Current training certificates are provided for each staff/classroom where the materials waiver is being sought. Training must be completed through nationally recognized programs related to the curriculum or philosophy, or through other State Department-approved training, curriculum, or program validation; and,~~

~~c. Parents are notified in writing regarding the use of the hazardous materials in the child care center. The notice must include all of the potential safety risks associated with the materials. The child care center must obtain signed parental consent forms acknowledging awareness of the risks in using the materials in the child care center prior to implementing use of the identified materials and prior to any newly enrolled children attending the center after the waiver is implemented.~~

~~4. The State Department must consider the impact of a materials waiver request on the health, safety, and wellbeing of the children in care.~~

~~5. If the State Department grants a materials waiver request, it will issue the child care center an official decision notification letter allowing the use of the requested materials according to the provided safety policy. The applicant or licensee must post the decision letter next to the child care license until the letter's expiration date. If there is no expiration date, the decision letter expires three (3) years from the date of the letter. The approved waiver must be in place before using materials that pose a risk to children.~~

D. Administrative Review and Appeal Panel Procedures

1. The applicant or licensee must comply with all child care licensing rules and standards, including the rule(s) subject to an appeal OR WAIVER ~~or materials waiver request,~~ until the applicant or licensee has received a written decision granting the appeal or waiver.

2. The ~~State~~ Department will receive, review, and schedule all appeals and ~~materials~~ waiver requests for review by the appealS REVIEW panel constituted under ~~§~~ SECTION 26-6-~~106~~909(~~3~~4), C.R.S.

   a. For hardship appeals/WAIVERS, the ~~State~~ Department may propose that the appeal panel grant one (1) or more appeals as part of a consent agenda, which the appeal panel may approve with a single vote; except if any panel member objects to the consent agenda, the appeals on such agenda must be decided individually. The appeal panel may not deny appeals by consent agenda.

   b. For emergency hardship appeals, the ~~State~~ Department may administratively grant the appeal if it meets the definition of an emergency ~~situation~~ and the proposed alternate compliance plan adequately protects the health, safety, and wellbeing of children/YOUTH in care. If the ~~State~~

Department does not administratively grant the emergency hardship appeal, it must schedule the appeal for review by the appeal panel.

~~c. For materials waiver requests, the State Department will administratively grant or deny the waiver request within sixty (60) days after receipt of the request. If it denies a waiver, the State Department must provide notice in its decision of the child care center's right to appeal the denial within forty-five (45) days and the center's right to meet with State Department personnel as part of that appeal.~~

~~d. If a child care center appeals the denial of a materials waiver request within fortyfive (45) days of the denial, the State Department will schedule the appeal for review by the appeal panel within forty-five (45) days of the appeal. The entire appeal process must not last longer than one hundred (100) days from the date of the notice of denial.~~

3. The appeal panel will adopt a written decision recommending that the ~~State~~ Department grant, deny, or grant with modifications an appeal ~~or materials waiver~~ request. The ~~State~~ Department must send an official decision letter, including the written decision of the appeal panel, to the applicant or licensee, within ten (10) CALENDAR days from the date of the appeal panel meeting.

   a. For hardship appeal~~s and materials waiver~~ requests, the official decision letter must be posted next to the child care license until its expiration date. If there is no expiration date, the letter expires ~~three~~ ONE (~~3~~1) year~~s~~ from THE ~~its~~ date IT WAS ISSUED. IF THE OFFICIAL DECISION LETTER IS CHILD-SPECIFIC, IT MUST BE KEPT IN THE AGENCY/FACILITY FILE AND PROVIDED TO THE DEPARTMENT UPON REQUEST.

   b. If the ~~State~~ Department approves a hardship appeal ~~or materials waiver~~ request and the applicant or licensee wishes to make changes to the alternate compliance plan or safety policy submitted with the original appeal or request, the applicant or licensee must submit a new hardship appeal ~~or materials waiver~~ request.

   c. If, after the ~~State~~ Department approves a hardship appeal ~~or materials waiver~~ request, AND the applicant or licensee violates the terms and conditions described in the approved alternate compliance plan, approved safety policy, or official decision letter, the ~~State~~ Department's approval will immediately be rescinded and considered null and void. For purposes of this provision, any injuries, accidents, or founded complaints or investigations related to the appealed or waived licensing rule constitute a violation.

4. Hearing ~~r~~Requests

   a. For hardship or stringency appeals, if an applicant or licensee is aggrieved by the decision of the ~~State~~ Department, the applicant or licensee may request an administrative hearing pursuant to ~~§~~ SECTION 24-4-105, C.R.S. Written requests for an administrative hearing must be received in writing within THIRTY (30) calendar days from the date the applicant or licensee received the ~~State~~ Department's decision. In all such administrative hearings, the applicant or licensee will bear the burden o~~f~~F proof by a preponderance of the evidence.

   ~~b. For appeals from denials of materials waiver requests, the State Department's decision is a final agency decision subject to judicial review pursuant to § 24-4-106, C.R.S.~~

7.701.14 Civil Rights AND OTHER INCORPORATIONS BY REFERENCE

All facilities licensed under the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act are subject to the following federal laws and regulations: the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. ~~§~~ SECTION 2000D THROUGH SECTION 2000D-7 ~~(2018)~~ (2024), and its implementing regulation, 45 C.F.R. Part 80 ~~(2018)~~ (2024); TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. SECTION 2000E THROUGH SECTION 2000E-17 (2024) AND ITS IMPLEMENTING REGULATION, 29 C.F.R. PART 1606 (2024); the Age Discrimination Act of 1975, 42 U.S.C. ~~§§~~ SECTIONS 6101-~~6017~~6107 ~~(2018)~~ (2024) and its implementing regulation, 45 C.F.R. Part 91 ~~(2018)~~ (2024); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. ~~§~~ SECTIONS 791 AND 794 ~~(2018)~~ (2024), and its implementing regulation, 45 C.F.R. Part 84 ~~(2018)~~ (2024), all of which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection

and copying at the Colorado Department of Human Services 1575 Sherman St.~~, 8th floor,~~ Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at HTTP://USCODE.HOUSE.GOV AND HTTP://WWW.ECFR.GOV.

All facilities licensed under the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act are also subject to Titles I through V of the Americans with Disabilities Act, 42 U.S.C. ~~§~~ SECTION 12101 THROUGH SECTION 12213~~ et seq.~~ (2024)~~(2012)~~, and it's implementing regulation, 29 C.F.R.~~, p~~Part 1630 (2024) ~~(2018)~~, which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at The Colorado Department of Human Services 1575 Sherman St., ~~8th floor,~~ Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at HTTP://USCODE.HOUSE.GOV AND HTTP://WWW.ECFR.GOV.

Decisions related to the enrollment, placement, or dismissal of a child/YOUTH with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child/YOUTH with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment or denial of placement. Efforts must be made to accommodate the child's/YOUTH'S needs and to integrate the child/YOUTH with ~~his/her~~ THEIR peers who do not have disabilities.

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO 42 C.F.R. PARTS 160, 162, AND 164 OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) (2024); WHICH ARE HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST AT THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES WEBSITE HTTPS://WWW.HHS.GOV/HIPAA.

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS IN THE INTERNATIONAL FIRE CODE, ICC IFC-2024, WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE INTERNATIONAL CODES WEBSITE AT HTTPS://CODES.ICCSAFE.ORG.

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS OF THE FAMILY FIRST PREVENTION SERVICES ACT (FFPSA) 42 U.S.C. SECTION 672 (K)(4) (2024), WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE FAMILY FIRST PREVENTION SERVICES FEDERAL WEBSITE AT https://www.congress.gov/115/bills/hr253/BILLS-115hr253ih.pdf

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AT 20 U.S.C. SECTIONS 1400 THROUGH 1482 (2024), IF APPLICABLE, WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203 DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO

AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE IDEA WEBSITE ON THE U.S. DEPARTMENT OF EDUCATION'S WEBPAGE AT HTTP://SITES.ED.GOV/IDEA/STATUTE-CHAPTER-33.

SUBJECT TO 20 U.S.C. 1232G AND 34 C.F.R. PART 99 OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) (2024) WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST AT THE U.S. DEPARTMENT OF EDUCATION WEBSITE AT HTTPS://STUDENTPRIVACY.ED.GOV/FERPA.

7.701.2 DEFINITIONS

"Affiliate of a licensee," means (A)~~any~~ person or entity that owns more than five (5) percent of the ownership interest in the business operated by the licensee or the applicant for a license; or (B) A ~~any~~ person who is directly responsible for the care and welfare of children served; or (C) AN ~~any~~ executive, officer, member of the governing board, or employee of a licensee; or (D) A~~a~~ relative of a licenseE, which relative provides care to children at the licensee's facility OR AGENCY or is otherwise involved in the management or operations of the licensee's facility OR AGENCY.

"AFTERCARE" MEANS A CONTINUUM OF TREATMENT AND FAMILY-BASED SUPPORT THAT IS DEVELOPED IN COLLABORATION WITH THE FAMILY AND PERMANENCY TEAM THROUGHOUT TREATMENT AND PRIOR TO THE CHILD'S/YOUTH'S DISCHARGE, IS DESIGNED TO SUPPORT THE CHILD/YOUTH AND FAMILY DURING THE CHILD'S/YOUTH'S TRANSITION OUT OF THE PROGRAM AND TO SAFELY MAINTAIN THE CHILD/YOUTH IN A LOWER LEVEL OF CARE, AND IS PROVIDED FOR AT LEAST SIX (6) MONTHS AFTER DISCHARGE.

"Annually" means the time frame from the initial date of hire, training, licensing, or certification, and the following twelve (12) months.

"APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

"BEHAVIORAL HEALTH ADMINISTRATION" (BHA) IS THE STATE ADMINISTRATION ESTABLISHED IN THE DEPARTMENT OF HUMAN SERVICES AND CHARGED WITH CREATING A COORDINATED, COHESIVE, AND EFFECTIVE BEHAVIORAL HEALTH SYSTEM PURSUANT TO SECTION 27-50-102, C.R.S. THE BHA IS RESPONSIBLE FOR ENSURING THAT BEHAVIORAL HEALTH PROGRAMS DELIVERED BY STATE AGENCIES AND COMMERCIAL PAYERS ARE COMPREHENSIVE, EVIDENCE-BASED, AFFORDABLE, HIGH QUALITY, EQUITY-FOCUSED, AND EASILY ACCESSIBLE FOR ALL COLORADANS PURSUANT TO SECTION 27-50-103, C.R.S.

"Calendar year" means the time frame from January 1 to December 31.

"CASE PLAN" MEANS A PLAN THAT IS DEVELOPED IN A DAY TREATMENT CENTER, SPECIALIZED GROUP FACILITY, RUNAWAY AND HOMELESS YOUTH SERVICES PROGRAM OR SHELTER SERVICES PROGRAM, CHILD PLACEMENT AGENCY, OR HOST FAMILY HOME THAT INCLUDES GOALS REGARDING PERSONAL AND GROUP LIVING SKILLS, ANTICIPATED BEHAVIORAL CHANGES OF THE CHILD/YOUTH, PROJECTED LENGTH OF PARTICIPATION IN THE PROGRAM, AND ANY OTHER COMPONENTS AS REQUIRED IN 12 CCR 2509-8 SECTIONS 7.706, 7.709, 7.710, AND 7.721.

"CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE HOME.

"CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME OR A KINSHIP FOSTER CARE HOME.

"CHEMICAL RESTRAINT" AS DEFINED IN SECTION 26-20-102(2), C.R.S., MEANS GIVING AN INDIVIDUAL MEDICATION INVOLUNTARILY FOR THE PURPOSE OF RESTRAINING THAT INDIVIDUAL; EXCEPT THAT "CHEMICAL RESTRAINT" DOES NOT INCLUDE THE INVOLUNTARY ADMINISTRATION OF MEDICATION

PURSUANT TO SECTION 27-65-111(5), C.R.S., OR ADMINISTRATION OF MEDICATION FOR VOLUNTARY OR LIFE-SAVING MEDICAL PROCEDURES.

"CHILD", PURSUANT TO SECTION 19-1-103(21), C.R.S. MEANS A PERSON UNDER EIGHTEEN (18) YEARS OF AGE.

"Child abuse," and "child neglect" mean the same as in the definition of "child abuse or neglect" set forth in Section 19-1-103(1), C.R.S. ~~AND THE DEFINITION OF "CRIMINAL CHILD ABUSE" AS SET FORTH IN SECTION 18-6-401, C.R.S. IDENTIFIED IN SECTION 26-6-905(8)(a)(I)(A), C.R.S.~~, unless otherwise indicated.

"Child Care Center~~s~~," ~~are defined at section 26-6-102(5), C.R.S.~~ AS DEFINED IN SECTION 26-6-903(5), C.R.S., MEANS A FACILITY, BY WHATEVER NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR (24)-HOUR CARE FOR FIVE (5) OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN SECTION 26-6-903(5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO, FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES, DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

~~Types of child care centers are further detailed at section 7.702, "Rules Regulating Child Care Centers".~~

~~A "school-age child care center" (referred to as the "center" in this subsection c1) means a child care center that provides care for five (5) or more children who are between five (5) years of age and up to the age of eighteen (18) years of age. Children 4 years of age, who will turn 5 on or before October 15th of the current calendar year may attend the center as part of a "building-based school-age child care program" or "building-based day camp" summer program prior to their kindergarten year. The center's purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one week during the year. The term includes facilities commonly known as "day camps", "summer camps", "summer playground programs", "before and after school programs", and "extended day programs." this includes centers operating with or without compensation for such care, and with or without stated educational purposes.~~

~~A "building-based school-age child care program" means a child care program that provides care for five (5) or more children who are between five (5) years of age and up to the age of eighteen (18) years of age. Four (4) year old children may attend a building based school age child care center the summer prior to attending kindergarten and the child's fifth (5th) birthday occurs on or before October 15th. The center is located in a building that is regularly used for the care of children.~~

~~A "mobile school-age child care program" provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade and up to the age of eighteen (18) years. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis for the care of children.~~

~~An "outdoor-based school-age child care program" provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade and up to the age of 18 years. This program uses no permanent building on a regular basis for the care of children. Children are cared for in a permanent outdoor or park setting.~~

"Child Placement Agency~~,~~" is defined at ~~s~~Section 26-6-~~102(7)~~903(6), C.R.S. Child placement agencies are further detailed at 12 CCR 2509-8 ~~s~~Section 7.710, "Rules and Regulations for Child Placement Agencies".

~~To arrange for placement is to act as an intermediary by assisting a parent or guardian or legal custodian to place or plan to place a child with persons unrelated to the child for 24-hour care.~~

~~Any agency from out-of-state placing a child within Colorado must be licensed as a child placement agency by the State Department unless the placement services are coordinated with and provided by a county department of social services, human services or a child placement agency licensed by the State Department.~~

"Children's Habilitation Residential Program (CHRP) Waiver" ~~provides services for children and youth, ages birth (0) through twenty (20) years of age, who have an intellectual or developmental disability and very high needs. Their needs for support put them at risk of, or in need of, out-of-home placement. Waiver services help children and youth~~

~~learn and maintain the skills needed to live in their communities."~~ IS DESCRIBED AT SECTION 25.5-6-903, C.R.S. INFORMATION REGARDING LEVEL OF CARE EVALUATIONS AND DETERMINATIONS ARE FURTHER DETAILED IN 10 CCR 2505-10 SECTIONS 8.400 (2025), 8.500 (2024), 8.600 (2024), AND 8.700 (2024) WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS OR EDITIONS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203 DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE SECRETARY OF STATE'S WEBSITE PAGE AT HTTPS://WWW.SOS.STATE.CO.US/CCR.

"~~Children's Residential Camp," is defined at section 26-6-102(8), C.R.S.~~

~~Types of children's resident camps are further detailed at section 7.711, "Rules Regulating Children's Resident Camps".~~

"Citizen/legal resident" means a citizen ~~of the united states~~, current legal resident ~~of the united states~~, or a person lawfully present in the ~~u~~United ~~s~~States.

"CLIENT REPRESENTATIVE" MEANS A PERSON DESIGNATED BY THE FACILITY TO PROCESS GRIEVANCES.

"COLORADO CRIMINAL JUSTICE RECORDS ACT" OR "CCJRA" MEANS THE MAINTENANCE, ACCESS AND DISSEMINATION, COMPLETENESS, ACCURACY, AND SEALING OF CRIMINAL JUSTICE RECORDS ACCORDING TO SECTION 24-72-301, C.R.S. THROUGH SECTION 24-72-309, C.R.S.

"Consumer Product Safety Commission", ~~as referred to in rules Regulating Child Care Facilities,~~ means the National Commission that establishes standards for the safety of children's equipment and furnishings and for playground safety AS OUTLINED UNDER FEDERAL LAW AND REGULATIONS.

"CONTRABAND" MEANS DANGEROUS INSTRUMENTS OR MATERIALS THAT ARE PROHIBITED FOR CHILDREN/YOUTH TO HAVE IN THEIR POSSESSION OR FOR VISITORS TO INTRODUCE INTO THE FACILITY/AGENCY AND MATERIALS THAT CAN HARM THE CHILD/YOUTH IN THE FACILITY, OTHER CHILDREN/YOUTH, OR STAFF. DANGEROUS INSTRUMENTS INCLUDE ANY DEVICE, MATERIAL, OR SUBSTANCE WHICH IS CAPABLE OF CAUSING OR INDUCING FEAR OF DEATH OR BODILY INJURY. CONTRABAND CAN INCLUDE ITEMS SUCH AS LOCK PICKS, CUTTING TOOLS, COMBUSTIBLE MATERIALS, UNAUTHORIZED DRUGS, DRUG PARAPHERNALIA, ROPES OR LADDERS, OBSCENE MATERIAL, SHARPENED INSTRUMENTS, FIREARMS, KNIVES, OR ANY ARTICLE THAT MAY POSE A THREAT TO SAFETY AND SECURITY.

"CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX, AS DEFINED IN SECTION 12-245-202(3.5)(a), C.R.S.

"Convicted" means a conviction by a jury or by a court and ~~shall~~ also includeS a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, AN adjudication, and a plea of guilty or nolo contendere~~.~~ AS DEFINED IN SECTION 26-6-914(6)(a)(II), C.R.S.

"COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 19 TO ASSIST IN ADVOCACY FOR CHILDREN, AS DEFINED IN SECTION 19-1-103(46), C.R.S.

"CRIMINAL CHILD ABUSE" MEANS THE SAME AS IN THE DEFINITION SET FORTH IN SECTION 18-6-401, C.R.S. IDENTIFIED IN SECTION 26-6-905(8)(a)(I)(A), C.R.S., UNLESS OTHERWISE INDICATED.

"Critical incident" is a serious incident or concern or potential incident or concern that poses a danger to a child/YOUTH ~~or children~~ at the facility, ~~or of~~ a staff member at the facility, OR A FOSTER PARENT.

"Cultural Responsiveness" means that an organization designs and implements services and practices that consider the unique culture of the individuals, families, and communities served.

"CUSTODIAN", AS DEFINED IN SECTION 19-1-103(50), C.R.S., MEANS A PERSON WHO HAS BEEN PROVIDING SHELTER, FOOD, CLOTHING, AND OTHER CARE FOR A CHILD IN THE SAME FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF COURT.

"DE-ESCALATION" MEANS THE USE OF THERAPEUTIC INTERVENTIONS WITH A CHILD/YOUTH DURING THE ESCALATION PHASE OF A CRISIS. THE INTERVENTIONS ARE DESIGNED TO SUPPORT CHILDREN/YOUTH THROUGH CO-REGULATION OR ALLOW THEM TO REGULATE THEIR OWN BEHAVIOR SO THAT ACUTE PHYSICAL BEHAVIOR DOES NOT DEVELOP THAT WOULD LEAD TO THE NEED TO USE PHYSICAL RESTRAINT.

"DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

"DEPARTMENT REPRESENTATIVE" MEANS ANY STAFF MEMBER FROM THE COLORADO DEPARTMENT OF HUMAN SERVICES, PROVIDER SERVICES UNIT TO INCLUDE, BUT NEED NOT BE LIMITED TO, LICENSING SPECIALISTS, MONITORING SPECIALISTS, PERFORMANCE MANAGEMENT OUTCOMES SPECIALISTS OR PMO SPECIALISTS, LICENSING SUPERVISORS, MONITORING SUPERVISORS, PROVIDER PERFORMANCE MANAGER, PROVIDER DEVELOPMENT MANAGER, THE ICPC DEPUTY COMPACT ADMINISTRATOR OR ICPC COMPACT ADMINISTRATOR, AND/OR THE PROVIDER SERVICES UNIT MANAGER.

"Day Treatment Center," is defined at ~~s~~Section 26-6-~~102(10~~)903(8), C.R.S. Day treatment centers are further detailed at 12 CCR 2509-8 ~~s~~Section 7.706, ~~12 CCR 2509-8,~~ "Rules Regulating Day Treatment Centers".

"ELECTRONIC SIGNATURE" AS DEFINED IN SECTION 24-71-101(1), C.R.S. AND SECTION 24-71-101(2), C.R.S., MEANS AN ELECTRONIC SOUND, SYMBOL, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND EXECUTED OR ADOPTED BY A PERSON WITH THE INTENT TO SIGN THE RECORD. IN ANY WRITTEN COMMUNICATION IN WHICH A SIGNATURE IS REQUIRED OR USED, ANY PARTY TO THE COMMUNICATION MAY AFFIX A SIGNATURE BY USE OF AN ELECTRONIC SIGNATURE THAT COMPLIES WITH THE REQUIREMENTS OF ARTICLE 71.3 OF THIS TITLE 24, COLORADO REVISED STATUTES, FOR ELECTRONIC SIGNATURES.

"EMERGENCY" MEANS A SERIOUS, PROBABLE, IMMINENT THREAT OF BODILY HARM TO SELF OR OTHERS WHERE THERE IS PRESENT ABILITY TO EFFECT SUCH BODILY HARM AS DEFINED IN SECTION 26-20-102(3), C.R.S.

"Employee" or "applicant for employment," for the purpose of ~~the child abuse or neglect records~~ BACKGROUND checkS required in Section 7.701.32, SECTION 7.701.321, AND SECTION 7.701.33, is defined as: an individual (other than an individual who is related to all children/YOUTH for whom child care services are provided):

> Who is employed OR ASSOCIATED WITH ~~by~~ a licensed ~~or qualified exempt~~ child care provider ~~for compensation~~, including ~~contract employees, or self-employed individuals~~ INDIVIDUALS WHO HAVE ACCESS TO PROTECTED INFORMATION OR OTHER INDIVIDUALS ASSOCIATED WITH THE LICENSE WHO ENGAGE WITH THE CHILDREN/YOUTH IN ANY CAPACITY;
>
> Whose activities involve the care or supervision of children for a licensed ~~or qualified exempt~~ child care provider or unsupervised access to children who are cared for or supervised by a licensed ~~or qualified exempt~~ child care provider; or
>
> Any individual residing ~~AT OR~~ in a licensed ~~or qualified exempt family child care home~~ CHILD CARE FACILITY OR FOSTER HOME who is age EIGHTEEN (18) and older.
>
> EMPLOYEE DOES NOT INCLUDE THOSE INDIVIDUALS THAT WILL NOT HAVE CONTACT WITH CHILDREN/YOUTH WHILE AT THE LICENSED FACILITY OR AGENCY, SUCH AS HIRED TRADESPEOPLE, CONTRACTORS, OR OTHER MAINTENANCE SERVICE PROFESSIONALS WHERE A PLAN FOR ENSURING THEIR WHEREABOUTS AND ACTIVITIES OF THE INDIVIDUAL WHILE AT THE FACILITY IS DOCUMENTED AND IMPLEMENTED.

"ESCALATION" IS AN INCREASE IN INTENSITY OR SERIOUSNESS OF A CHILD'S/YOUTH'S BEHAVIOR.

"Facility" OR "CHILD CARE FACILITY" is any business or operation established for the purpose of providing child care services that are required to be licensed pursuant to the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act, Section 26-6-~~101~~901, C.R.S. THROUGH SECTION 26-6-923, C.R.S. ~~et seq., C.R.S.~~

"FAMILY AND PERMANENCY TEAM" CONSISTS OF ALL THE APPROPRIATE BIOLOGICAL AND/OR LEGAL FAMILY MEMBERS, RELATIVES, AND PSYCHOLOGICAL KIN OF THE CHILD/YOUTH, AS WELL AS PROFESSIONALS WHO ARE A RESOURCE TO THE CHILD/YOUTH, SUCH AS TEACHERS, MEDICAL AND MENTAL HEALTH PROVIDERS, OR CLERGY, ETC., WHO REVIEW THE CHILD'S/YOUTH'S PERMANENCY NEEDS. IN THE CASE OF A CHILD/YOUTH WHO HAS REACHED AGE FOURTEEN (14), THE FAMILY AND PERMANENCY TEAM SHALL INCLUDE THE MEMBERS OF THE PERMANENCY PLANNING TEAM FOR THE CHILD/YOUTH THAT ARE SELECTED BY THE CHILD/YOUTH.

"FAMILY ENGAGEMENT" MEANS JOINING WITH THE FAMILY/KIN OF THE CHILD/YOUTH TO ESTABLISH COMMON GOALS OF SAFETY, WELL-BEING, AND PERMANENCY, AND IS INCLUSIVE OF OTHER SYSTEMS, AS DEFINED IN 12 CCR 2509-4 SECTION 7.300.1.

THE "FAMILY SERVICES PLAN" (FSP) MEANS A CASE SERVICES PLAN COMPLETED BY A COUNTY CASEWORKER JOINTLY WITH A CHILD/YOUTH, PARENT(S) AND/OR LEGAL GUARDIAN(S), AND PROVIDERS WITHIN SIXTY (60) CALENDAR DAYS OF THE REFERRAL DATE IN THE AUTOMATED CASE MANAGEMENT SYSTEM FOR EACH CHILD/YOUTH RECEIVING SERVICES FROM A COUNTY DEPARTMENT OF SOCIAL/HUMAN SERVICES PURSUANT TO 12 CCR 2509-4 SECTION 7.301.21.

~~"Family Child Care Home," is defined at section 26-6-102(13), C.R.S Types of family child care homes are further detailed at section 7.707, "Rules Regulating Family Child Care Homes".~~

"Final Agency Action" means the determination made by the ~~State~~ Department, after THE opportunity for hearing to deny, suspend, revoke, or demote to probationary status a license issued pursuant to the ~~Child Care~~ FOSTER CARE, RESIDENTIAL, DAY TREATMENT AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act or an agreement between the ~~State~~ Department and the licensee concerning the demotion of such a license to a probationary license.

"Foster Care Home," is defined at ~~s~~Section 26-6-~~106(14)~~903(10), C.R.S. Types of foster care homes are further detailed at 12 CCR 2509-8 ~~s~~Section 7.708, "Rules Regulating Family Foster Care Homes".

"FOSTER YOUTH IN TRANSITION PROGRAM" AS DEFINED IN SECTION 19-7-302(14), C.R.S. MEANS THE PROGRAM ESTABLISHED PURSUANT TO SECTION 19-7-303, C.R.S., IN WHICH AN ELIGIBLE YOUTH MAY VOLUNTARILY OPT TO CONTINUE OR RESUME RECEIVING CHILD WELFARE SERVICES THAT MAY INCLUDE BUT ARE NOT LIMITED TO FOSTER CARE MAINTENANCE PAYMENTS.

"GENDER IDENTITY" AS DEFINED IN SECTION 19-1-130(1)(B), C.R.S., MEANS A PERSON'S INNATE SENSE OF THE PERSON'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE PERSON'S SEX AS ASSIGNED AT BIRTH.

"Governing Body" MEANS ~~is~~ the individual, partnership, corporation, or association in WHICH THE~~whom~~ ultimate authority and legal responsibility IS~~are~~ vested for the administration and operation of A RESIDENTIAL OR DAY TREATMENT ~~the~~ child care facility OR A CHILD PLACEMENT AGENCY.

"GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW WITH THE CARE OF A CHILD UNDER EIGHTEEN (18) YEARS OF AGE.

"Health Department" is the Colorado Department of Public Health and Environment (CDPHE) or the local county department of health.

"HEALTH FIRST COLORADO" IS COLORADO'S MEDICAID PROGRAM AND PUBLIC HEALTH INSURANCE FOR COLORADANS WHO QUALIFY. MEDICAID IS FUNDED JOINTLY BY THE FEDERAL GOVERNMENT AND COLORADO STATE GOVERNMENT, AND IS ADMINISTERED BY THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

"HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND MASS TEMPORARY SHELTER FOR A PERIOD OF THREE (3) DAYS OR MORE TO YOUTHS WHO ARE AT LEAST ELEVEN (11) YEARS OF AGE OR OLDER AND WHO OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION 26-5.7-102(2), C.R.S. YOUTH MAY RESIDE AT A HOMELESS YOUTH SHELTER FOR A PERIOD NOT TO EXCEED TWENTY-ONE (21) DAYS AS OUTLINED AND IN ACCORDANCE WITH SECTION 26-5.7-105, C.R.S. ~~IS LICENSED PURSUANT TO SECTION 26-6-905, C.R.S. ACCORDING TO SECTION 26-5.7-105(1), C.R.S., HOMELESS YOUTH SHELTERS MAY PROVIDE SHELTER AND CRISIS INTERVENTION, FAMILY RECONCILIATION, AND ALTERNATIVE RESIDENTIAL SERVICES TO HOMELESS YOUTH. HOMELESS YOUTH WHO ARE FIFTEEN (15) YEARS OF AGE OR OLDER MAY CONSENT, IN WRITING, TO RECEIVE SHELTER AND SERVICES WITHOUT PARENTAL CONSENT WHEN IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION (SECTION 26-5.7-105(8), C.R.S.). HOMELESS YOUTH SHELTERS ARE FURTHER DETAILED AT 12 CCR 2509-8 SECTION 7.715, "STANDARDS FOR HOMELESS YOUTH SHELTERS".~~

"HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE" MEANS A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS, TRANSFERS, ISOLATES, ENTICES, PROVIDES, RECEIVES, OR OBTAINS BY ANY MEANS ANOTHER PERSON FOR THE PURPOSE OF COERCING THE OTHER PERSON TO PERFORM LABOR OR SERVICES COMMITS HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE, AS OUTLINED IN SECTION 18-3-503(1), C.R.S.

"HUMAN TRAFFICKING FOR SEXUAL SERVITUDE" IS DEFINED AS OUTLINED IN SECTION 18-3-504, C.R.S.

"INDEPENDENT ASSESSMENT" (IA) MEANS A PROCESS TO ASSESS THE STRENGTHS AND NEEDS OF THE CHILD USING AN AGE-APPROPRIATE, EVIDENCE-BASED, VALIDATED, FUNCTIONAL ASSESSMENT TOOL. THE ASSESSMENT DETERMINES WHETHER TREATMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) PROVIDES THE MOST EFFECTIVE AND APPROPRIATE LEVEL OF CARE FOR THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT IN ACCORDANCE WITH DEPARTMENT OF HUMAN SERVICES REGULATIONS.

THE "INDIVIDUAL CHILD'S/YOUTH'S PLAN" IS BASED UPON AN ASSESSMENT OF THE CHILD/YOUTH FOLLOWING PLACEMENT AT THE FACILITY OR THERAPEUTIC FOSTER HOME. IT IS DEVELOPED BY THE FACILITY OR CHILD PLACEMENT AGENCY FOR EACH CHILD/YOUTH, DESIGNED TO MEET OR ADDRESS THE INDIVIDUALIZED NEEDS OF EACH CHILD/YOUTH, AND MUST BE CONSISTENT WITH THE FAMILY SERVICE PLAN (FSP) FOR THE CHILD/YOUTH.

"INTERDISCIPLINARY TEAM" MEANS STAFF IN A PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) COMPRISED OF A PHYSICIAN, AND A LICENSED MENTAL HEALTH PROFESSIONAL, REGISTERED NURSE OR OCCUPATIONAL THERAPIST RESPONSIBLE FOR THE TREATMENT OF THE CLIENT, AS DEFINED IN 10 CCR 2505-10 SECTION 8.765.1 (2024) WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS OR EDITIONS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203 DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE SECRETARY OF STATE'S WEBSITE PAGE AT HTTPS://WWW.SOS.STATE.CO.US/CCR.

"INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN" (ICPC) IS A STATUTORY AGREEMENT THAT ESTABLISHES PROCEDURES AND RESPONSIBILITIES FOR THOSE INVOLVED IN PLACING A CHILD/YOUTH OUT OF STATE, AND IS FURTHER DESCRIBED AT SECTION 24-60-1801 C.R.S. THROUGH SECTION 24-60-1804~~3~~, C.R.S.

"KINSHIP FOSTER CARE HOMES" AS DEFINED AT SECTION 26-6-903(16), C.R.S., MEANS A KINSHIP FOSTER CARE HOME THAT HAS BEEN CERTIFIED PURSUANT TO SECTION 26-6-910, C.R.S. TO CARE FOR A RELATIVE OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES TWENTY-FOUR (24)-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE (21) YEARS OF AGE, AND WHO IS ELIGIBLE FOR THE SAME FOSTER CARE REIMBURSEMENT, ASSISTANCE, AND OTHER SUPPORTS AS FOSTER CARE HOMES PURSUANT TO SECTION 26-6-904.5, C.R.S. "KINSHIP FOSTER CARE HOME" DOES NOT INCLUDE NON-CERTIFIED KINSHIP CARE AS THAT TERM IS DEFINED IN SUBSECTION (21.5) OF THIS SECTION (26-16-21.5, C.R.S.)

"LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO THE FOSTER CARE, RESIDENTIAL, DAY TREATMENT AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY, PERMANENT, OR TIME-LIMITED LICENSE.

"LICENSED HEALTH CARE PROVIDER" MEANS A PHYSICIAN, DOCTOR OF OSTEOPATHIC MEDICINE, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, REGISTERED NURSE, OR OTHER LICENSED OR REGISTERED HEALTH CARE PROVIDER.

"Licensee" MEANS~~is~~ the entity or individual to WHICH A~~whom the~~ license is issued and THAT has the legal capacity to enter into AN agreement~~s~~ or contract~~s~~, assume obligations, incur and pay debts, sue and be sued in its own right, and ~~to~~ be held responsible for its actions. A~~The~~ licensee may be a governing body.

"LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN SECTION 26-6-903(10), THE PROCESS BY WHICH THE DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY, AS DEFINED IN SECTION 26-6-903(19), C.R.S.

"Licensing Specialist" is the authorized representative of the ~~State~~ Department who inspects and audits child care facilities to ensure compliance with licensing requirements ~~and to investigate possible violations of those requirements~~. The Licensing Specialist inspects and audits the operations of licensed agencies and facilities to ensure their compliance with related state laws and regulations. The Licensing Specialist inspects and audits the operations of licensed agencies and facilities to ensure their compliance with related state laws and regulations.

"MECHANICAL RESTRAINT" MEANS A PHYSICAL DEVICE USED TO INVOLUNTARILY RESTRICT THE MOVEMENT OF AN INDIVIDUAL OR THE MOVEMENT OR NORMAL FUNCTION OF A PORTION OF THEIR BODY PURSUANT TO SECTION 26-20-102(4), C.R.S.

"MENTAL HEALTH PROFESSIONAL" MEANS A PERSON LICENSED TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE OR ANY PERSON ON THE STAFF OF A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES FOR SEVENTY-TWO-HOUR TREATMENT AND EVALUATION WHO IS AUTHORIZED BY THE FACILITY TO DO MENTAL OR BEHAVIORAL HEALTH HOSPITAL PLACEMENT PRESCREENINGS, AS DEFINED IN SECTION 19-2.5-102, AND WHO IS UNDER THE SUPERVISION OF A PERSON LICENSED TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE. ~~ARE PROFESSIONALS LICENSED PURSUANT TO ARTICLE 245 OF TITLE 12.~~

"MONITORING SPECIALIST" IS THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT WHO IS RESPONSIBLE FOR INVESTIGATIONS TO DETERMINE AGENCY/FACILITY CULPABILITY AND COMPLIANCE WITH SOCIAL SERVICES RULES (VOLUME 7: CHILD WELFARE, CHILD CARE FACILITIES) AND RELATED STATUTES.

"MULTI-DISCIPLINARY TEAM" (MDT) MEANS STAFF IN A RESIDENTIAL CHILD CARE FACILITY (RCCF) PROVIDING MENTAL HEALTH SERVICES COMPRISED OF AT LEAST ONE (1) LICENSED MENTAL HEALTH PROFESSIONAL AND OTHER STAFF RESPONSIBLE FOR THE TREATMENT OF THE CLIENT AND MAY INCLUDE A STAFF MEMBER FROM THE REFERRAL AGENCY, OR A GROUP OF PERSONNEL, ACTING WITHIN THEIR PROFESSIONAL ROLE(S) AND RESPECTIVE SCOPE(S) OF PRACTICE, WHO ARE MEMBERS OF DIFFERENT PROFESSIONS, WORKING TOGETHER TO PROVIDE SERVICES TO INDIVIDUALS.

"NATIONALLY RECOGNIZED CRITERIA" MEANS STANDARDIZED PRACTICES THAT ARE ACKNOWLEDGED AS ACCEPTABLE AND APPROPRIATE FOR USE WITH AT-RISK POPULATIONS, THAT ARE INCORPORATED INTO THE MODEL OF PHYSICAL RESTRAINT UTILIZED BY THE FACILITY. THE NATIONALLY RECOGNIZED CRITERIA MUST INCLUDE, AT A MINIMUM THE FOLLOWING:

A. ANNUAL STAFF TRAINING AND/OR CERTIFICATION, TO INCLUDE TRAINING UPON HIRE, AND ONGOING (AT LEAST EVERY SIX (6) MONTHS) REFRESHER TRAINING OR PRACTICE EXERCISES FOR EACH STAFF MEMBER TRAINED OR CERTIFIED IN RESTRAINT, TO REVIEW AND REFRESH SKILLS INVOLVED IN POSITIVE BEHAVIOR INTERVENTION, PREVENTION, DE-ESCALATION, AND PHYSICAL RESTRAINT, IN ACCORDANCE WITH THE MODEL.

B. A RESTRAINT PREVENTION AND DE-ESCALATION COMPONENT, TO INCLUDE IDENTIFYING ANTECEDENTS THAT MAY CAUSE AN INDIVIDUAL TO ESCALATE, AND/OR DEVELOPMENT OF BEHAVIOR MANAGEMENT PLANS THAT ARE IN ALIGNMENT WITH INDIVIDUAL-CHILD'S/YOUTH'S PLANS IF NECESSARY.

C. A PHYSICAL RESTRAINT PROCESS THAT PROHIBITS OR PROVIDES ALTERNATIVES TO A PRONE POSITION, AND INCLUDES IDENTIFYING PRIMARY CONTROL TECHNIQUES THAT EMPHASIZE UTILIZING ONLY THE MINIMUM AMOUNT OF FORCE NECESSARY TO GAIN CONTROL AND KEEP THE INDIVIDUAL SAFE.

D. A DEBRIEFING PROCESS WHICH INCLUDES A REVIEW OF PHYSICAL RESTRAINT, TO DETERMINE THE APPROPRIATENESS AND EFFECTIVENESS OF PREVENTIVE/DE-ESCALATION STRATEGIES OR INTERVENTIONS USED, THE APPROPRIATENESS OF PHYSICAL RESTRAINT, AND HOW, OR IF, PHYSICAL RESTRAINTS ARE PREVENTABLE.

"Negative licensing action", ~~i~~As defined at Section 26-6-~~102(25)~~903(21)(A), C.R.S., MEANS A FINAL AGENCY ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS PART 9 OF ARTICLE 6 OF TITLE 26 OR THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY LICENSE.

"NEUTRAL REVIEWER" MEANS A STAFF MEMBER WHO OBSERVES A PHYSICAL RESTRAINT AND IS ABLE TO MONITOR THE CHILD/YOUTH DURING THE RESTRAINT AND PROVIDE AN OBJECTIVE REVIEW OF THE RESTRAINT DURING THE DEBRIEFING PROCESS.

~~Neighborhood Youth Organization," is defined at section 26-6-102(26)(a), C.R.S. Neighborhood youth organizations are further detailed at section 7.720, "Rules Regulating Neighborhood Youth Organizations".~~

"NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM", AS DEFINED AT SECTION 22-33-104.5(2)(a), C.R.S., MEANS THE SEQUENTIAL PROGRAM OF INSTRUCTION FOR THE EDUCATION OF A CHILD WHICH TAKES PLACE IN A HOME, WHICH IS PROVIDED BY THE CHILD'S PARENT OR BY AN ADULT RELATIVE OF THE CHILD DESIGNATED BY THE PARENT, AND WHICH IS NOT UNDER THE SUPERVISION AND CONTROL OF A SCHOOL DISTRICT. THIS EDUCATIONAL PROGRAM IS NOT INTENDED TO BE AND DOES NOT QUALIFY AS A PRIVATE AND NONPROFIT SCHOOL.

"PERFORMANCE MANAGEMENT OUTCOMES SPECIALIST" IS THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT WHO EVALUATES AND ANALYZES THE QUALITY OF PROGRAMMING, PRACTICES, AND POLICIES WITH LICENSED AGENCIES AND FACILITIES, SPECIFICALLY THROUGH THE CONTENT CONTAINED WITHIN TRAUMA-INFORMED CARE PLANS, FILE REVIEWS, ASSESSMENTS, INTERVIEWS, OBSERVATIONS, AND REVIEW OF AGENCY/FACILITY DATA, POLICIES, AND PROCEDURES.

"PHYSICAL RESTRAINT" MEANS THE USE OF BODILY, PHYSICAL FORCE TO INVOLUNTARILY LIMIT AN INDIVIDUAL'S FREEDOM OF MOVEMENT FOR MORE THAN ONE (1) MINUTE, EXCEPT THAT "PHYSICAL RESTRAINT" DOES NOT INCLUDE THE HOLDING OF A CHILD BY ONE ADULT FOR THE PURPOSES OF CALMING OR COMFORTING THE CHILD.

"PRONE POSITION" MEANS A FACE-DOWN POSITION.

"PRONE RESTRAINT" MEANS A RESTRAINT IN WHICH THE INDIVIDUAL WHO IS BEING RESTRAINED IS SECURED IN A PRONE POSITION PURSUANT TO SECTION 26-20-102(5.5), C.R.S.

"PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY" (PRTF), PURSUANT TO SECTION 25.5-4-103(19.5)~~-6-19.5~~, C.R.S., MEANS A FACILITY THAT IS LICENSED AS A RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903~~(29)~~, C.R.S., THAT IS NOT A HOSPITAL, AND THAT PROVIDES INPATIENT PSYCHIATRIC SERVICES FOR INDIVIDUALS WHO ARE LESS THAN TWENTY-ONE (21) YEARS OF AGE UNDER THE DIRECTION OF A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, AND THAT MEETS ANY OTHER REQUIREMENT ESTABLISHED IN RULE BY THE STATE BOARD ~~COLORADO REVISED STATUTES~~.

"QUALIFIED MANAGER" MEANS A PERSON WHO IS THE OWNER OR OPERATOR OF THE FACILITY OR A SUPERVISOR DESIGNATED BY THE OWNER OR OPERATOR OF THE FACILITY FOR THE PURPOSE OF IMPLEMENTING SECTION 25-1.5-303, C.R.S.; AND HAS COMPLETED TRAINING IN THE ADMINISTRATION OF

MEDICATIONS PURSUANT TO SECTION 25-1.5-303, C.R.S, OR IS A LICENSED NURSE PURSUANT TO PART 1 OF ARTICLE 255 OF TITLE 12, A LICENSED PHYSICIAN PURSUANT TO ARTICLE 240 OF TITLE 12, OR LICENSED PHARMACIST PURSUANT TO ARTICLE 280 OF TITLE 12. EVERY UNLICENSED PERSON WHO IS A "QUALIFIED MANAGER" WITHIN THE MEANING OF SECTION 25-1.5-301(4) SHALL SUCCESSFULLY COMPLETE A COMPETENCY EVALUATION PERTAINING TO THE ADMINISTRATION OF MEDICATIONS.

"QUALIFIED RESIDENTIAL TREATMENT PROGRAM" (QRTP), AS DEFINED IN SECTION 26-6-903(26), MEANS A LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C.A. ~~§~~ 672(K)(4), AND IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH AS REQUIRED IN SECTION 19-1-115(4)(E)(I), C.R.S. ~~10 CCR 2505-10 AT SECTION 8.765.1, MEANS A FACILITY THAT PROVIDES RESIDENTIAL TRAUMA-INFORMED TREATMENT THAT IS DESIGNED TO ADDRESS THE NEEDS, INCLUDING CLINICAL NEEDS, OF CHILDREN WITH SERIOUS EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C.A.§ 672(K)(4).~~

"REASONABLE" AS USED IN THESE RULES MEANS APPROPRIATE AND SUITABLE, NOT EXCESSIVE OR EXTREME.

"REFERRAL AGENCY OR PLACING AUTHORITY/LEGAL CUSTODIAN" MEANS THE DIVISION OF YOUTH SERVICES, A COUNTY DEPARTMENT OF SOCIAL/HUMAN SERVICES WHO HAS CUSTODY OF THE CHILD/YOUTH, AN ORGANIZATION OR ENTITY PLACING A CHILD/YOUTH THROUGH THE CHILD AND YOUTH MENTAL HEALTH TREATMENT ACT (CYMHTA), A REGIONAL ACCOUNTABLE ENTITY (RAE), A PARENT OR LEGAL GUARDIAN OF THE CHILD/YOUTH, OR OTHER ENTITY GIVEN AUTHORITY BY A COURT OF JURISDICTION THAT REFERS THE CHILD FOR THE PURPOSE OF PLACEMENT.

"REGISTERED DIETITIAN" MEANS SOMEONE WHO HOLDS A CERTIFICATE OF REGISTERED DIETICIAN THROUGH THE COMMISSION ON DIETETIC REGISTRATION.

"Relative" AS defined at SECTION 26-6-~~102(32)~~903(28), C.R.S. MEANS ANY OF THE FOLLOWING RELATIONSHIPS BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON, DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER, UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

"RELIGION" WHEN USED IN THESE REGULATIONS INCLUDES RELIGIOUS BELIEFS, SPIRITUAL BELIEFS, AND OTHER PRACTICED IDEOLOGIES.

"RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME, AS DEFINED AT SECTION 26-6-903(30), C.R.S.

"Residential Child Care Facility" (RCCF) AS defined at ~~s~~Section 26-6-~~102(33)~~ 903(29), C.R.S. ~~Residential child care facilities are further detailed at section 7.705, "Rules Regulating Residential Child Care Facilities".~~ MEANS A FACILITY LICENSED BY THE STATE DEPARTMENT PURSUANT TO ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26 TO PROVIDE TWENTY-FOUR (24)-HOUR GROUP CARE AND TREATMENT FOR FIVE (5) OR MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102(2), C.R.S.; SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES AS DEFINED IN SECTION 25.5-4-103(19.5), C.R.S. A RESIDENTIAL CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE FACILITY MUST BE:

(A) FIVE (5) YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN (18) YEARS OF AGE; OR

(B) LESS THAN TWENTY-ONE (21) YEARS OF AGE AND PLACED BY COURT ORDER OR VOLUNTARY PLACEMENT; OR

(C) ACCOMPANIED BY A PARENT IF LESS THAN FIVE (5) YEARS OF AGE.

~~A "Transition Program" may be a component of an RCCF program in which the child is residing in the RCCF part of the time and in a living situation that the child is expected to move to after treatment in the RCCF is completed. The purpose of transition is to enable the child to transition to the home or a less restrictive setting in a manner that prepares the child for success in the new setting.~~

"RESIDING IN THE HOME" MEANS ALL INDIVIDUALS WHOSE HOME BASE FOR A PERIOD OF TIME IS IN THE CERTIFIED FOSTER OR KINSHIP HOME FOR:

A. FOURTEEN (14) CONSECUTIVE CALENDAR DAYS; OR

B. FOR MORE THAN FORTY (40) CALENDAR DAYS PER YEAR.

"RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR (24)-HOUR GROUP CARE FOR THREE (3) OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES, AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER SERVES CHILDREN AND YOUTH FROM FIVE (5) YEARS OF AGE TO TWENTY-ONE (21) YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY PART OF A DAY. "RESPITE CHILD CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES, AS DEFINED AT SECTION 26-6-903(31), C.R.S.

"RESTRAINT" MEANS, IN ACCORDANCE WITH SECTION 26-20-102(6), C.R.S., ANY METHOD OR DEVICE USED TO INVOLUNTARILY LIMIT FREEDOM OF MOVEMENT, INCLUDING BODILY PHYSICAL FORCE, MECHANICAL DEVICES, OR CHEMICALS. RESTRAINT MUST NOT BE USED AS A FORM OF DISCIPLINE OR TO GAIN COMPLIANCE FROM A CHILD/YOUTH~~STUDENT~~. IF PROPERTY DAMAGE MIGHT BE INVOLVED, RESTRAINT MAY ONLY BE USED WHEN THE DESTRUCTION OF PROPERTY COULD POSSIBLY RESULT IN BODILY HARM TO THE INDIVIDUAL OR ANOTHER PERSON. "RESTRAINT" INCLUDES CHEMICAL RESTRAINT, MECHANICAL RESTRAINT, AND PHYSICAL RESTRAINT. "RESTRAINT" DOES NOT INCLUDE:

A. THE USE OF ANY FORM OF RESTRAINT IN A LICENSED OR CERTIFIED HOSPITAL WHEN SUCH USE:

1. IS IN THE CONTEXT OF PROVIDING MEDICAL OR DENTAL SERVICES THAT ARE PROVIDED WITH THE CONSENT OF THE INDIVIDUAL OR THE INDIVIDUAL'S GUARDIAN; AND

2. IS IN COMPLIANCE WITH INDUSTRY STANDARDS ADOPTED BY A NATIONALLY RECOGNIZED ACCREDITING BODY OR THE CONDITIONS OF PARTICIPATION ADOPTED FOR FEDERAL MEDICARE AND MEDICAID PROGRAMS;

B. THE USE OF PROTECTIVE DEVICES OR ADAPTIVE DEVICES FOR PROVIDING PHYSICAL SUPPORT, PREVENTION OF INJURY, OR VOLUNTARY OR LIFE-SAVING MEDICAL PROCEDURES;

C. THE HOLDING OF AN INDIVIDUAL FOR LESS THAN ONE (1) MINUTE BY A STAFF PERSON FOR PROTECTION OF THE INDIVIDUAL OR OTHER PERSONS; EXCEPT THAT NOTHING IN ~~THIS~~ SECTION 26-20-102(6)(C) ~~SUBSECTION(6)(C)~~ MAY BE INTERPRETED TO PERMIT THE HOLDING OF A PUBLIC SCHOOL STUDENT IN A PRONE POSITION, EXCEPT AS DESCRIBED IN SECTION 26-20-111(2), (3), OR (4), C.R.S.; OR

D. PLACEMENT OF AN INPATIENT OR RESIDENT IN THEIR SLEEPING ROOM FOR THE NIGHT.

"SECLUSION" MEANS THE PLACEMENT OF AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM WHICH EGRESS IS INVOLUNTARILY PREVENTED, EXCEPT DURING NORMAL SLEEPING HOURS, PURSUANT TO SECTION 26-20-102(7) C.R.S.

"Secure Residential Treatment Center," MEANS A FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE DEPARTMENT PURSUANT TO ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26 TO PROVIDE TWENTY-FOUR (24)-HOUR GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE (5) OR MORE CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE (21) YEARS OVER WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION 19-2.5-103(6), C.R.S. WHO ARE COMMITTED BY A COURT, PURSUANT TO AN ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A SECURE FACILITY AS ~~is~~ defined at ~~s~~Section 26-6-~~102(35)~~903 (32), C.R.S. Secure residential treatment centers are further detailed at 12 CCR 2509-8 ~~s~~Section 7.713, "Minimum Rules and Regulations for Secure Residential Treatment Centers".

"Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder that is of sufficient duration and has resulted in a functional impairment that substantially interferes with or limits a child's/YOUTH'S role or functioning in family, school, or community activities. Serious emotional disturbances do not include developmental disorders, substance-related disorders, or conditions or problems that may be a focus or clinical attention unless they occur with another diagnosable serious emotional disturbance.

"SERIOUS ILLNESS" MEANS A HEALTH CONDITION THAT CARRIES A HIGH RISK OF MORTALITY AND/OR EITHER NEGATIVELY IMPACTS A PERSON'S DAILY FUNCTION OR QUALITY OF LIFE, OR EXCESSIVELY STRAINS THEIR CAREGIVERS.

"SERIOUS INJURY" MEANS AN INJURY THAT RESULTS IN EITHER SEVERE LACERATION, A BROKEN OR DISTORTED EXTREMITY, CRUSH INJURIES, SUSPECTED SKULL, CHEST, OR ABDOMINAL INJURY OTHER THAN BRUISES OR MINOR LACERATIONS, SIGNIFICANT BURNS, UNCONSCIOUSNESS, OR PARALYSIS.

"SHELTER CARE SERVICES" MEANS BASIC SHORT-TERM SERVICES FOR CHILDREN/YOUTH PLACED BY A COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, INCLUDING, BUT NOT LIMITED TO, SHELTER, FOOD, EDUCATION, CLOTHING, RECREATION, BASIC MEDICAL CARE, SUPERVISION, AND GUIDANCE.

"SIBLING" MEANS ONE (1) OR MORE INDIVIDUALS HAVING ONE (1) OR BOTH PARENTS IN COMMON.

"SOCIAL AND BEHAVIORAL SCIENCES" INCLUDES SOCIOLOGY, PSYCHOLOGY, SOCIAL WORK, CRIMINAL JUSTICE, HUMAN SERVICES, HUMAN DEVELOPMENT, AND COUNSELING.

"Specialized Group Facility," AS defined at ~~s~~Section 26-6-903~~(33)~~(34), C.R.S.~~ and includes "Specialized Group Homes" and "Specialized Group Centers". Specialized group facilities are further detailed at section 7.709, "Rules Regulating Specialized Group Facilities".~~ MEANS A FACILITY SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING TWENTY-FOUR (24)-HOUR CARE FOR THREE (3) OR MORE CHILDREN, BUT FEWER THAN TWELVE (12) CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO A SPECIALIZED GROUP FACILITY MUST BE:

A. AT LEAST SEVEN (7) YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN (18) YEARS OF AGE;

B. LESS THAN TWENTY-ONE (21) YEARS OF AGE AND PLACED BY COURT ORDER OR VOLUNTARY PLACEMENT; OR

C. ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS THAN SEVEN (7) YEARS OF AGE.

"SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP HOMES AND SPECIALIZED GROUP CENTERS.

~~**SPECIALIZED GROUP FACILITY MAXIMUM CAPACITY**~~

~~CHRP~~	~~NON-CHRP~~	~~TOTAL CHILDREN~~
~~0~~	~~11~~	~~11~~
~~1~~	~~7~~	~~8~~
~~2~~	~~6~~	~~8~~
~~3~~	~~5~~	~~8~~
~~4~~	~~4~~	~~8~~
~~5~~	~~3~~	~~8~~
~~6~~	~~2~~	~~8~~

~~Specialized Group Homes Or Group Centers who are serving children enrolled in the Children's Habilitation Residential Program (CHRP) waiver must be in compliance with rules contained within the Department Of Health Care Policy And Financing's Medical Assistance Manual at 10 CCR 2505-10 section 8.508 (2019~~2023~~), which is hereby incorporated by reference. No later additions or amendments incorporated. These regulations are available at https://www.sos.state.co.us/CCR~~.

~~Specialized Group facilities that provide services for one or more children enrolled in the CHRP waiver must be staffed with a sufficient number of qualified staff members to ensure the needs of all children/youth residing in the facility are met. Ongoing assessments of the needs of all children/youth shall be conducted by the sponsoring agency during visits to the specialized group facility.~~

A "Specialized Group Home" is located in a house owned or otherwise controlled by the group home parents who are primarily responsible for the care of the children/YOUTH and reside at the home.

A "Specialized Group Center" is located in a facility owned or controlled by a governing body that hires the group center parents or personnel who are primarily responsible for the care of the children/YOUTH.

~~"State Department" is the Colorado Department of Human Services.~~

"STAFF MEMBER" OF A FACILITY AS USED IN THESE RULES INCLUDES INDIVIDUALS WORKING AS A SPECIALIZED GROUP HOME PARENT OR IN A SPECIALIZED GROUP CENTER, OR RESIDENTIAL CHILD CARE FACILITY. FOR SECTION 7.714.53 THROUGH SECTION 7.714.536, A "STAFF MEMBER" OF THE FACILITY ALSO INCLUDES AN INDIVIDUAL CERTIFIED AS A FOSTER PARENT IN A FOSTER HOME OR WORKING IN A DAY TREATMENT FACILITY OR SECURE RESIDENTIAL TREATMENT FACILITY.

"THERAPEUTIC FOSTER CARE," AS DEFINED IN SECTION 26-6-903(35) C.R.S., MEANS A PROGRAM OF FOSTER CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL FOSTER CARE. THERAPEUTIC FOSTER CARE IS FURTHER DETAILED AT 12 CCR 2509-8 SECTION 7.703, RULES REGULATING THERAPEUTIC FOSTER CARE.

"THERAPEUTIC WILDERNESS PROGRAM" MEANS A RESIDENTIAL CHILD CARE PROGRAM IN WHICH THE PROGRAM IS BASED OUTSIDE OF A BUILDING OR PHYSICAL SPACE AND THE CHILDREN/YOUTH MOVE FROM ONE SITE TO ANOTHER THROUGHOUT THE COURSE OF THE PROGRAM. THE WILDERNESS PROGRAM MAY ORIGINATE IN COLORADO OR MOVE INTO AND/OR THROUGH COLORADO FROM

ANOTHER STATE. THE PROGRAM OPERATES FOR THREE (3) OR MORE CONSECUTIVE TWENTY-FOUR (24) HOUR DAYS DURING ONE (1) OR MORE SEASONS OF THE YEAR FOR THE CARE OF CHILDREN/YOUTH WHO ARE AT LEAST TWELVE (12) YEARS TO EIGHTEEN (18) YEARS OF AGE AND FOR THOSE PERSONS TO TWENTY-ONE (21) YEARS OF AGE WHO ARE PLACED BY COURT ORDER PRIOR TO THEIR EIGHTEENTH (18) BIRTHDAY, ARE A VOLUNTARY PLACEMENT, OR ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AS DEFINED IN 12 CCR 2509-3 SECTION 7.203.4 THROUGH SECTION 7.203.43. THE PROGRAM MUST HAVE AS ITS PURPOSE AN INDIVIDUALIZED CHILD AND FAMILY PLAN THROUGH GROUP LEARNING EXPERIENCE OFFERING BEHAVIORAL, MENTAL HEALTH, SUBSTANCE ABUSE EDUCATION AND RECREATIONAL ACTIVITIES UTILIZING AN OUTDOOR WILDERNESS ENVIRONMENT.

"Trails" means the ~~State Department's~~ STATEWIDE COMPREHENSIVE ~~AUTOMATED~~ CHILD WELFARE CASE MANAGEMENT ~~INFORMATION~~ SYSTEM. ~~confidential information system which maintains AND STORES CLIENT AND LICENSING INFORMATION THAT IS UTILIZED BY THE DEPARTMENT, COUNTIES, AND LICENSED PROVIDERS. abuse and neglect referrals, investigations, and the investigation outcomes.~~

"TRANSITIONAL MEASURE" MEANS PHYSICAL GUIDANCE, PROMPTING TECHNIQUES OF SHORT DURATION OR AN INITIAL, TEMPORARY, APPROVED PHYSICAL POSITIONING OF AN INDIVIDUAL AT THE ONSET OR IN RESPONSE TO A RE-ESCALATION DURING A PHYSICAL MANAGEMENT, FOR THE PURPOSE OF QUICKLY AND EFFECTIVELY GAINING PHYSICAL CONTROL OF THAT INDIVIDUAL IN ORDER TO PREVENT HARM TO SELF OR OTHERS. MOMENTARY UTILIZATION OF A SHORT TERM (AS QUICKLY AS POSSIBLE, BUT NOT TO EXCEED FIVE (5) MINUTES) PRONE POSITION IS ONLY PERMISSIBLE DURING A TRANSITIONAL MEASURE.

"TREATMENT FOSTER CARE," AS DEFINED AT SECTION 26-6-903(36) C.R.S., MEANS A CLINICALLY EFFECTIVE ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY ENVIRONMENT. TREATMENT FOSTER CARE IS FURTHER DETAILED AT 12 CCR 2509-8 SECTION 7.704, RULES REGULATING TREATMENT FOSTER CARE.

"Trauma-Informed" REFERS TO ~~means that~~ the services ~~or programs~~ to be provided to or on behalf of ~~the~~ A child OR ~~/~~youth ~~are provided~~ under an organizational STRUCTURE AND TREATMENT framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

"UNACCOMPANIED REFUGEE MINOR (URM)" MEANS A MINOR WHO HAS BEEN DISPLACED FROM THEIR HOME COUNTRY AND IS UNABLE TO RETURN DUE TO CONCERNS FOR THEIR SAFETY, WHO HAS BEEN DETERMINED ELIGIBLE BY THE FEDERAL GOVERNMENT FOR RESETTLEMENT IN THE U.S., AND WHOSE PARENT AND OTHER RELATIVES AND CAREGIVERS ARE UNABLE TO BE LOCATED OR ARE DECEASED.

"UNACCOMPANIED REFUGEE MINOR PROGRAM (URM)" MEANS A PROGRAM AUTHORIZED BY THE U.S. OFFICE OF REFUGEE RESETTLEMENT (ORR) TO PROVIDE SPECIALIZED CULTURALLY AND LINGUISTICALLY APPROPRIATE FOSTER CARE AND INDEPENDENT LIVING SERVICES THAT FACILITATE SOCIAL, CULTURAL, AND ECONOMIC INTEGRATION FOR CHILDREN AND YOUTH WHO HAVE BEEN DETERMINED ELIGIBLE TO RESETTLE IN THE UNITED STATES THROUGH FOSTER CARE WITH AN ADDITIONAL GOAL TO REUNIFY PROGRAM YOUTH WITH FAMILY OR KINSHIP WHEN APPROPRIATE.

"VOLUNTARY PLACEMENT" MEANS A CHILD/YOUTH WHO, MEETS THE ADMISSION CRITERIA OF THE RCCF, CAN BENEFIT FROM THE SERVICES PROVIDED, AND IS VOLUNTARILY PLACED IN A FACILITY/AGENCY VIA A COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES' VOLUNTARY PLACEMENT AGREEMENT WITH THE PARENT(S) OR GUARDIAN(S) OF THE CHILD/YOUTH IN ACCORDANCE WITH SECTION 19-1-127, C.R.S., OR THROUGH INDEPENDENT ENTITIES CHOOSING TO VOLUNTARILY PLACE AT A FACILITY/AGENCY OR PROGRAM.

"VULNERABLE YOUTH" MEANS A YOUTH WHO IS EMANCIPATING FROM FOSTER CARE, A RUNAWAY OR HOMELESS YOUTH, A YOUTH INVOLVED IN THE JUVENILE JUSTICE SYSTEM, AN IMMIGRANT YOUTH AND YOUTH WITH LIMITED ENGLISH PROFICIENCY, A YOUTH WITH PHYSICAL AND/OR MENTAL DISABILITIES, A YOUTH WITH MENTAL DISORDERS, OR A YOUTH RECEIVING SPECIAL EDUCATION SERVICES. VULNERABLE YOUTH ENCOMPASS CHILDREN AND YOUTH WHO DO NOT HAVE THE CAPACITIES TO

ACHIEVE A TYPICAL LEVEL OF FUNCTIONING IN ONE OR MORE LIFE DOMAINS OR TO SOME EXTENT HAVE SPECIAL NEEDS IN REGARD TO SUPPORT OR HELPING AIDS TO ACHIEVE A TYPICAL LEVEL OF FUNCTIONING AND THRIVING.

"YOUTH", PURSUANT TO SECTION 19-1-103(145), C.R.S., MEANS AN INDIVIDUAL WHO IS LESS THAN TWENTY-ONE YEARS OF AGE. ~~MEANS ANY PERSON AT LEAST TWELVE (12) YEARS OF AGE AND UNDER TWENTY-ONE (21) YEARS OF AGE, AS DEFINED IN 12 CCR 2509-1 AT SECTION 7.000.2 AND AS IDENTIFIED IN THE FAMILY FIRST PREVENTION SERVICES ACT (FFPSA) PREVIOUSLY INCORPORATED BY REFERENCE.~~

7.701.3 APPLICATION PROCESS

7.701.31 Original Application

A. A completed, original application accompanied by the appropriate fee must be submitted to the ~~State~~ Department a minimum of sixty (60) days prior to the proposed opening date for the facility. ~~For 24-hour agencies or facilities, the addendum with specific requirements must be completed,~~ THE APPLICATION SUBMITTED MUST INCLUDE THE ATTACHMENTS WITH SPECIFIC REQUIREMENTS COMPLETED, IN ACCORDANCE WITH THE ADDENDUM ASSOCIATED WITH THE LICENSE TYPE. ~~and submitted with the application.~~

B. A licensing ~~evaluation~~ AUDIT will occur only after the ~~State~~ Department has received the completeD application and appropriate fee.

C. If a county or agency establishes and plans to sponsor a Specialized Group Facility, the governing body for the Specialized Group Facility is the licensee. A written plan for the supervision AND RESPONSIBILITIES IN ACCORDANCE WITH 12 CCR 2509-8 SECTIONS 7.710.46 AND 7.710.47 of the Specialized Group Facility must accompany the application.

7.701.32 BIU (BACKGROUND INVESTIGATION UNIT) - Use of Records and Reports of Child Abuse or Neglect for Background and Employment Inquiries

A. THE TRAILS CHILD ABUSE AND NEGLECT RECORDS REQUEST MUST BE ACCOMPANIED BY THE APPLICANT'S PRIOR WRITTEN OR ELECTRONIC AUTHORIZATION TO OBTAIN SUCH INFORMATION FROM THE STATE AUTOMATED SYSTEM. THE TRAILS CHILD ABUSE AND NEGLECT RECORDS REQUEST MUST BE ACCOMPANIED BY THE REQUIRED FEE, ACCORDING TO SECTION 7.701.4, PAID BY CHECK, CREDIT CARD, MONEY ORDER, ELECTRONIC PAYMENT, OR OTHER MEANS SPECIFIED BY THE DEPARTMENT.

~~A~~B. An operator of a licensed facility~~, guest child care facility as defined in Section 26-6-102(16), C.R.S., or an exempt family child care home provider~~ must submit a request to determine if an operator, applicant for employment OR FOSTER CARE, ~~or~~ current employee, OR ANY INDIVIDUAL WHO HAS DIRECT CONTACT WITH CHILDREN/YOUTH OR IS ASSOCIATED WITH THE LICENSE, has been found responsible for a confirmed, AS DEFINED BY SECTION 19-1-103(33), C.R.S., report of child abuse or neglect in the ~~State~~ Department's automated system, ~~(Trails)~~. ALL REQUESTS MUST BE SUBMITTED ON OR UP TO THIRTY (30) DAYS PRIOR TO THE FIRST DAY OF EMPLOYMENT OR SERVICE.

1. FOR ALL INDIVIDUALS WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN/YOUTH FOR ANY LENGTH OF TIME OR WHO HAVE UNSUPERVISED ACCESS TO CHILDREN/YOUTH, REQUESTS MUST BE SUBMITTED AND SUCCESSFULLY COMPLETED PRIOR TO CARING FOR CHILDREN/YOUTH OR HAVING UNSUPERVISED CONTACT WITH CHILDREN/YOUTH.

~~B~~C. ~~An child abuse or neglect records check is not necessary regarding out-of-state employees of a children's resident camp or school-age child care center for a camp or center that is in operation for fewer than ninety (90) calendar days; out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.~~ PURSUANT TO SECTION 26-6-912(1)(a)(I)(B), C.R.S., AND SECTION 26-6-912(1)(a)(I)(D)(II)(B), C.R.S., THE AGENCY MUST REQUIRE ANY APPLICANT FOR FOSTER CARE TO COMPLETE A REQUEST TO DETERMINE IF THEY HAVE BEEN FOUND RESPONSIBLE FOR A CONFIRMED, AS DEFINED BY SECTION 19-1-103(33),

C.R.S., REPORT OF CHILD ABUSE OR NEGLECT IN THE DEPARTMENT'S AUTOMATED SYSTEM. RESULTS MUST BE RECEIVED AND REVIEWED PRIOR TO THE CERTIFICATION OF THE FOSTER HOME.

1. THE AGENCY MUST REQUIRE ANY PERSON EIGHTEEN (18) YEARS OF AGE OR OLDER WHO RESIDES IN THE FOSTER CARE HOME TO COMPLETE A REQUEST TO DETERMINE IF THEY HAVE BEEN FOUND RESPONSIBLE FOR A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT IN THE STATE DEPARTMENT'S AUTOMATED SYSTEM. RESIDING IN THE HOME APPLIES TO ALL INDIVIDUALS WHOSE HOME BASE FOR A PERIOD OF TIME IS IN THE FOSTER HOME FOR FOURTEEN (14) CONSECUTIVE CALENDAR DAYS OR FOR MORE THAN FORTY (40) CALENDAR DAYS PER YEAR.

2. FOR EACH ADULT EIGHTEEN (18) YEARS OF AGE OR OLDER WHO BEGINS RESIDING IN THE FOSTER OR SPECIALIZED GROUP HOME AFTER CARE BEGINS, REQUESTS MUST BE SUBMITTED WITHIN FIVE (5) CALENDAR DAYS OF WHEN THE INDIVIDUAL BEGINS RESIDING IN THE HOME, AND THESE ADULTS MUST NOT BE ALLOWED UNSUPERVISED ACCESS TO CHILDREN IN CARE UNTIL ALL BACKGROUND CHECKS HAVE BEEN SUCCESSFULLY COMPLETED.

~~D. The Trails child abuse or neglect records request must be made on the State prescribed form, accompanied by the required fee (for fee assessment see Section 7.000.73) within the following required time frames:~~

~~1. Child care centers (less than 24-hour care), school-aged child care facilities, family child care homes, and qualified exempt providers must meet the following:~~

~~a. For all individuals whose activities involve the care or supervision of children or who have unsupervised access to children, requests must be submitted and successfully completed prior to caring for children or allowing unsupervised access to children.~~

~~1) Individuals who have obtained a successfully completed CBI or FBI record check may care for children for no longer than ninety (90) calendar days, while waiting for all other required background checks to be completed. The individual must be supervised at all times by an individual who has successfully completed all required background checks.~~

~~b. For each adult eighteen (18) years of age or older, residing in a licensed family child care home or a qualified exempt provider home, requests must be submitted at time of application.~~

~~c. For each adult eighteen (18) years of age or older, who begin residing in the home after care begins, requests must be submitted within five (5) calendar days of when he or she begins residing in the home, and these adults must not be allowed unsupervised access to children in care until all background checks have been successfully completed.~~

~~2. All other requests except those specified in Section 7.701.32.D.1 must be submitted within ten (10) calendar days of the first day of employment for each employee or facility.~~

~~E. The Trails child abuse and neglect records request must be made within ten (10) calendar days of the first day of employment for each employee or facility on the State prescribed form, accompanied by the required fee paid by check or money order (for fee assessment see Section 7.000.73).~~

~~F. The Trails child abuse and neglect records request must be accompanied by the individual's written authorization to obtain such information from the State automated system, if applicable~~

~~G~~D. The ~~State~~ Department will inform the requesting party in writing of whether the individual has been confirmed, AS DEFINED BY SECTION 19-1-103(33), C.R.S., to be a person responsible for an incident of child abuse or neglect.

1. If the result of the inquiry is that the individual has been confirmed, AS DEFINED BY SECTION 19-1-103(33), C.R.S., as responsible for an incident of child abuse or neglect, the ~~State~~

Department must provide the requesting party with information regarding the date of the reported incident, the type of abuse or neglect with the severity level, and the county department that confirmed the report.

2. If the result of the inquiry is that the individual has not been confirmed, AS DEFINED BY SECTION 19-1-103(33), C.R.S., to be responsible for an incident of child abuse or neglect, the ~~State~~ Department must notify the requesting party of this fact.

~~H~~E. The information provided by the ~~State~~ Department must serve only as the basis for further investigation. The director or operator may inform an applicant or employee that the report from the ~~State~~ Department's automated system was a factor in the director or operator's decision with regard to the applicant or employee's employment.

F. WHEN A FACILITY OR AGENCY RECEIVES A RESULT THAT AN INDIVIDUAL HAS BEEN CONFIRMED, AS DEFINED BY SECTION 19-1-103(33), C.R.S., AS RESPONSIBLE FOR AN INCIDENT OF CHILD ABUSE AND/OR NEGLECT, THE AGENCY OR FACILITY MUST NOTIFY THEIR LICENSING SPECIALIST WITHIN FIVE (5) BUSINESS DAYS. THE NOTIFICATION MUST ADDRESS WHETHER THE INDIVIDUAL WILL CONTINUE INVOLVEMENT WITH THE FACILITY OR AGENCY AND IN WHAT CAPACITY OR IF THEY WILL NO LONGER BE WORKING WITH THAT LICENSED FACILITY.

~~I~~G. Any person who willfully permits or who encourages the release of data or information related to child abuse or neglect contained in the ~~State~~ Department's automated system to persons not permitted access to such information commits a Class 1 misdemeanor and must be punished as provided in Section 18-1.3-501, C.R.S.

~~J~~H. Every five (5) years, all child abuse and neglect inquiry background checks must be renewed by resubmitting an inquiry form and current fee to the ~~State~~ Department for processing. An updated clearance letter or verification of the submission of the inquiry form must be obtained before five (5) years from the date reflected on the current clearance letter.

~~K~~I. The results of the abuse and neglect inquiry must be maintained at the ~~center,~~ facility~~,~~ or agency and must be available for review upon request by a ~~Licensing Specialist~~ DEPARTMENT REPRESENTATIVE.

J. ANY PERSON WHO HAS LIVED IN ANOTHER STATE IN THE FIVE (5) YEARS PREVIOUS TO APPLICATION FOR EMPLOYMENT OR FOSTER CARE, ANY PERSON WHO IS ENGAGES WITH CHILDREN/YOUTH AT A FACILITY OR AGENCY, OR ANY PERSON EIGHTEEN (18) YEARS OF AGE OR OLDER WHO RESIDES IN THE FOSTER CARE HOME MUST PROVIDE A COPY OF THE STATE CHILD ABUSE AND NEGLECT REGISTRY CHECK FROM EACH STATE IN WHICH THEY HAVE RESIDED.

K. A CHILD PLACEMENT AGENCY ("CPA") MUST ALSO COMPLETE A REVIEW UTILIZING THE CPA SUPERVISOR PROFILE IN THE STATE AUTOMATED SYSTEM OF ALL EXISTING COUNTY DEPARTMENT CASE RECORDS. THIS INCLUDES A REVIEW OF THE STATE AUTOMATED CHILD WELFARE SYSTEM FOR EACH APPLICANT AND PERSONS OVER THE AGE OF EIGHTEEN YEARS (18) YEARS OF AGE RESIDING IN A FAMILY FOSTER CARE HOME.

L. THE TRAILS CHILD ABUSE AND NEGLECT RECORDS CHECKS ARE NOT REQUIRED FOR TEMPORARILY PLACED YOUTH WHO ARE EIGHTEEN (18) YEARS OF AGE OR OLDER WHO ARE NOT LEGAL, PERMANENT RESIDENTS OF THE CERTIFIED KINSHIP OR FOSTER HOME, AGENCY, OR FACILITY.

7.701.321 REQUIRED REVIEW OF RECORDS FOR HISTORY OF SEX OFFENDER

AN OPERATOR OF A LICENSED FACILITY MUST CONDUCT SEX OFFENDER SEARCHES IN THE COLORADO BUREAU OF INVESTIGATION (CBI) SEX OFFENDER REGISTRY AND THE NATIONAL SEX OFFENDER PUBLIC WEBSITE OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE FOR EACH OPERATOR, APPLICANT FOR EMPLOYMENT OR FOSTER CARE, CURRENT EMPLOYEE, OR ANY INDIVIDUAL WHO HAS DIRECT CONTACT WITH CHILDREN/YOUTH OR IS ASSOCIATED WITH THE LICENSE PRIOR TO THE FIRST DAY OF EMPLOYMENT OR SERVICE AT THE AGENCY/FACILITY AND ANNUALLY THEREAFTER. SEX OFFENDER SEARCHES ARE NOT REQUIRED FOR TEMPORARILY PLACED YOUTH WHO ARE EIGHTEEN (18)

YEARS OF AGE OR OLDER WHO ARE NOT LEGAL, PERMANENT RESIDENTS OF THE CERTIFIED KINSHIP OR FOSTER HOME, AGENCY, OR FACILITY. RECORDS OF THE CHECKS MUST BE MAINTAINED IN THE EMPLOYEE FILE AND INCLUDE THE FOLLOWING CRITERIA AT MINIMUM:

A. KNOWN CURRENT NAMES, PRIOR NAMES, AND ADDRESSES OF EACH INDIVIDUAL, AND

B. ADDRESSES ONLY OF THE FOSTER CARE HOME, KINSHIP CARE HOME, OR SPECIALIZED GROUP HOME.

7.701.33 Criminal Record Check

A. Criminal records checks are required under the following circumstances:

1. In order to obtain any Colorado ~~b~~Bureau of ~~i~~Investigation (CBI) and/or Federal Bureau of Investigation (FBI) fingerprint criminal history records, each applicant listed below must have their fingerprints taken and processed. ALL REQUESTS MUST BE SUBMITTED ON OR UP TO THIRTY (30) DAYS PRIOR TO THE FIRST DAY OF EMPLOYMENT OR SERVICE. FINGERPRINTS MUST BE TAKEN at a vendor approved by CBI. Approved vendors may be located using the CBI website at Colorado.gov/cbi. Payment of the fee for the criminal record check is the responsibility of the individual being checked, identified as follows:

   a. Each applicant for an original license for a ~~center,~~ facility~~,~~ or agency, APPLICANT FOR A CERTIFICATE AT A FAMILY FOSTER HOME, and any adult eighteen (18) years of age or older who resides in the licensed ~~center,~~ facility or agency.

   ~~b. Each exempt family child care home provider who provides care for a child and each individual who provides care for a child who is related to the individual (referred collectively in this section as a "qualified provider"), if the child's care is funded in whole or in part with money received on the child's behalf from the publicly funded Colorado Child Care Assistance Program; and, any adult eighteen (18) years of age or older who resides with a qualified provider where the care is provided.~~

   ~~c~~B. Applicants for an original certificate for a foster care home, and any adult eighteen (18) years of age or older who resides in the foster care home.

      1. FOR EACH ADULT EIGHTEEN (18) YEARS OF AGE OR OLDER, WHO BEGINS RESIDING IN THE FOSTER OR SPECIALIZED GROUP HOME AFTER CARE BEGINS, FINGERPRINTS MUST BE SUBMITTED WITHIN FIVE (5) CALENDAR DAYS OF WHEN THEY BEGIN RESIDING IN THE HOME, AND THESE ADULTS MUST NOT BE ALLOWED UNSUPERVISED ACCESS TO CHILDREN/YOUTH IN CARE UNTIL ALL BACKGROUND CHECKS HAVE BEEN SUCCESSFULLY COMPLETED.

   ~~d~~C. Any person working in aN ~~twenty-four (24) hour child care~~ agency or facility INCLUDING ANY INDIVIDUALS WHO HAVE DIRECT CONTACT WITH CHILDREN/YOUTH OR HAVE ACCESS TO PROTECTED INFORMATION, VOLUNTEERS AS STATED IN SECTION 7.701.33.C.2-3, SELF-EMPLOYED INDIVIDUALS, OR OTHER INDIVIDUALS ASSOCIATED WITH THE LICENSE.

~~2. Each applicant for an original license for a Neighborhood Youth Organization must comply with the criminal background check requirements found at Section 26-6-103.7(4), C.R.S.~~

~~The applicant must ascertain whether the person being investigated has been convicted of felony child abuse as specified in Section 18-6-401, C.R.S., or a felony offense involving unlawful sexual behavior as defined in Section 16-22-102(9), C.R.S. The Neighborhood Youth Organization must not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.~~

~~B. Only in the case of a children's resident camp or school-age child care center, out-of-state persons employed in a temporary capacity for less than ninety (90) days are not required to be fingerprinted to obtain~~

~~a criminal record check. Each person exempted from fingerprinting and being checked with the State Department's automated system must sign a statement which affirmatively states that she/he has not been convicted of any charge of child abuse or neglect, unlawful sexual offense, or any felony. Out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.~~

~~Prospective employers of such exempted persons must conduct reference checks of the prospective employees in order to verify previous work history and must conduct personal interviews with each such prospective employee.~~

B. THE RESULTS OF THE CRIMINAL RECORDS CHECK, INCLUDING AT LEAST THE INDIVIDUAL CBI AND FBI RESPONSE LETTERS, MUST BE MAINTAINED AT THE FACILITY OR AGENCY AND MUST BE AVAILABLE FOR REVIEW BY A DEPARTMENT REPRESENTATIVE. EXCEPT FOR RECORDS OF OFFICIAL ACTIONS, WHICH MUST BE AVAILABLE FOR INSPECTION, ALL OTHER CRIMINAL JUSTICE RECORDS MAY BE OPEN FOR INSPECTION SUBJECT TO THE DISCRETION OF THE OFFICIAL CUSTODIAN. THE COLORADO CRIMINAL JUSTICE RECORDS ACT (CCJRA) DEFINES AN OFFICIAL ACTION AS AN ARREST; INDICTMENT; CHARGING BY INFORMATION; DISPOSITION; PRE TRIAL OR POST TRIAL RELEASE FROM CUSTODY; JUDICIAL DETERMINATION OF MENTAL OR PHYSICAL CONDITION; DECISION TO GRANT, ORDER, OR TERMINATE PROBATION, PAROLE, OR PARTICIPATION IN CORRECTIONAL REHABILITATION PROGRAMS; AND ANY DECISION TO FORMALLY DISCIPLINE, RECLASSIFY, OR RELOCATE ANY PERSON UNDER CRIMINAL SENTENCE ACCORDING TO SECTION 24-72-302(7), C.R.S.

1. LETTERS AND INFORMATION RECEIVED BY A FACILITY OR AGENCY THAT INCLUDE INFORMATION PROTECTED IN THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) MUST IMMEDIATELY PASS THE LETTER OR INFORMATION TO THE SUBJECT OF THE FINGERPRINT CHECK WITHOUT OPENING AND VIEWING THE INFORMATION. SUCH CORRESPONDENCE WILL BE MAILED TO THE FACILITY OR AGENCY MAILING ADDRESS AND WILL BE MARKED “TO APPLICANT” IN THE ADDRESS FIELD.

2. THE FACILITY OR AGENCY MUST NOT REQUIRE ANY APPLICANT TO DIVULGE BACKGROUND INFORMATION THAT IS PROTECTED IN THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) AS A REQUIREMENT FOR EMPLOYMENT OR CERTIFICATION.

3. FOR ALL INDIVIDUALS WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN OR YOUTH OR WHO HAVE UNSUPERVISED ACCESS TO CHILDREN, ALL BACKGROUND CHECKS MUST BE SUBMITTED PRIOR TO CARING FOR CHILDREN OR YOUTH AND COMPLETED PRIOR TO ALLOWING UNSUPERVISED ACCESS TO CHILDREN.

~~C. At the time the annual declaration of compliance (see Section 7.701.35.B) is submitted to the Department, except as required per Section 7.701.33.C.1 and 7.701.33.C.2, a criminal record check is required only for adults living at the licensed facility who have not previously obtained one. Because the CBI provides the Department with ongoing notification of arrests, owners, applicants, licensees, and persons who live in the licensed facility who have previously obtained a criminal record check, they are not required to obtain additional criminal record checks.~~

~~1. Any resident of the family child care home or qualified exempt provider home turning eighteen (18) years of age shall complete the fingerprint process at an approved vendor fourteen (14) calendar days prior to their 18th birthday.~~

~~2. The fingerprint process shall be completed at an approved vendor within five (5) calendar days of when any new resident, eighteen (18) years of age or older, begins residing in a family child care home or qualified exempt provider home. Adults must not be allowed unsupervised access to children in care until all background checks have been successfully completed.~~

~~D~~C. Each owner, employee of a facility or agency, AND LICENSEE shall complete the fingerprint process at an approved vendor. Payment of the fee for the criminal record check is the responsibility of the individual being

checked or the facility or agency. The results of the criminal record check~~,~~ AND the CBI and FBI response letters, must be maintained at the~~ home, center,~~ facility~~,~~ or agency and must be available for review upon request by a DEPARTMENT REPRESENTATIVE. ~~Licensing Specialist.~~

1. ~~Employees volunteers who are transferring from one child care facility to another may have their CBI, but not their FBI, fingerprints transferred if they complete the following process:~~ WHEN AN INDIVIDUAL LEAVES EMPLOYMENT, THE FACILITY/AGENCY MUST SUBMIT TO THE DEPARTMENT WITHIN THIRTY (30) DAYS A COMPLETED NOTIFICATION OF NAME REMOVAL FORM TO REQUEST THE REMOVAL OF THE INDIVIDUAL'S NAME FROM THEIR FACILITY/AGENCY LICENSE NUMBER IN THE DEPARTMENT BACKGROUND FLAG DATABASE. SCHOOL DISTRICT EMPLOYEES WHO CURRENTLY WORK AT A LICENSED CHILD WELFARE CHILD CARE FACILITY MUST HAVE THEIR CRIMINAL HISTORY REPORT LINKED TO THE LICENSE NUMBER OF THE CHILD CARE FACILITY.

   ~~a. Employees must contact CBI to determine if they are eligible for transfer. If eligible, employees must visit a CBI approved vendor and indicate they are completing a criminal background check (CBC) transfer per C.R.S. 26-6-107(1)(a)(I)(C.7). Employees must pay the current transfer fee.~~

   ~~b. When an individual leaves employment, the facility must submit to the Department a completed Notification of Name Removal form to request the removal of the individual's name from their facility license number in the database.~~

   ~~c. School district employees who currently work at a child care facility must have their criminal history report linked to the license number of the child care facility.~~

2. ~~Except as required per Section 7.701.33.D.3, a~~Any adult volunteer~~,~~ working as a staff member to meet the required staff-child ratio or staff qualifications, who works fourteen (14) days (112 hours) or more in a calendar year ~~shall~~ MUST complete the fingerprint process at an approved vendor. The results of the criminal record check must be maintained at the facility or agency and must be available for inspection by a DEPARTMENT REPRESENTATIVE. ~~Licensing Specialist.~~ An ~~employee~~ INDIVIDUAL operating as a volunteer to meet required staff-child ratio OR STAFF QUALIFICATIONS that does not have a completed background check on file must be supervised at all times by a qualified staff member who has successfully completed all background checks.

3. Criminal background check requests for volunteers, whose activities involve the care and supervision of children~~;~~ or who have unsupervised access to children, must be submitted and successfully completed prior to caring for children or allowing the individual unsupervised access to children in A child care ~~centers~~ FACILITY.~~ (less than 24-hour care), schoolaged child care facilities, family child care homes, and qualified exempt provider homes~~.

~~4. Requests for a criminal record check, other than those required per Section 7.701.33.D.4.a, b must be completed at an approved vendor within five (5) working days of the day that the *individual begins to work at the facility or* agency.~~

   ~~a. Criminal background check requests must be successfully completed prior to an individual caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-aged child care facilities, family child care homes, and qualified exempt provider homes.~~

   ~~b. A National Sex Offender Registry check request must be submitted and successfully completed prior to an individual caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-aged child care facilities, family child care homes, and qualified exempt provider homes.~~

~~5~~4. Every five (5) years, requests for FBI criminal record checks must be renewed by completing the fingerprint process at an approved vendor. An updated clearance letter or verification of the submission of the request must be obtained prior to five (5) years from the date reflected on the current clearance letter.

~~6~~5. Facilities and agencies that hire individuals who have been convicted of any felony, except those listed in Subsection ~~8~~6.A-F~~a. f~~ below, unlawful sexual behavior, or any misdemeanor, the underlying factual basis of which has been found by the court on record to include an act of domestic violence must inform the ~~State~~ Department of that hiring within fifteen (15) calendar days of receiving knowledge of the conviction.

~~7~~6. A child care facility shall not employ, or a child placement agency shall not employ or certify, an individual who has been convicted of:

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. An offense involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.

d. A 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. A felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of application for a license or certificate.

f. 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~~914(2), C.R.S., regarding suspension, revocation and denial of a license, and shall be defined as:

1. Three (3) or more convictions of third (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

2. Five (5) misdemeanor convictions of any type, with at least two (2) convictions of third (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,

3. Seven (7) misdemeanor convictions of any type.

g. Any offense in any other state, the elements of which are substantially similar to the elements listed in this Subsection a-f.

~~E~~D. Payment of the fee for the FBI check is the responsibility of the individual who is obtaining the check or the facility or agency. ~~Certified foster parent(s) or any person eighteen (18) years of age or older who resides with a certified foster parent must obtain a criminal record check from the FBI regardless of the length of residence in Colorado.~~

E. IN MULTI-SERVICE AGENCIES, ONLY INDIVIDUALS WHO ARE THE APPLICANT FOR, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME MAY BE SUBMITTED FOR A FINGERPRINT BASED CRIMINAL BACKGROUND CHECK UNDER THE AUTHORITY OF SECTION 26-6-910(5), C.R.S.

F. ACCORDING TO SECTION 26-6-914(2), C.R.S., The Department may deny AN APPLICATION OR SUSPEND, revoke, ~~suspend, change to~~ OR MAKE probationary THE LICENSE, OF ANY FACILITY OR AGENCY REGULATED AND LICENSED PURSUANT TO ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26 or ASSESS A fine AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921, C.R.S. ~~a child care facility or child placement agency~~ if the LICENSEE ~~applicant(s)~~, an affiliate of the ~~applicant~~ LICENSEE, ~~or any~~ A person ~~living with or~~ employed by the ~~applicant~~ LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY OR AGENCY: ~~has been found to violate any of the provisions set forth in Section 26- 6-108(2), C.R.S.~~

1. IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905(8), 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 HAVE ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905(8), C.R.S., OR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE LICENSE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905(8), C.R.S., UNDER A LAW OF ANOTHER STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905(8), C.R.S.; OR

2. IS CONVICTED OF THIRD (3rd) 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 THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.; THE VIOLATION OF A PROTECTION 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. IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION, AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-110(4), C.R.S. OR SECTION 27-65-127, C.R.S, AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE OF EVIDENCE THEREOF; OR

4. USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), C.R.S., INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY OR AGENCY; OR

5. IS 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 18-18-403.5 OR 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

6. CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED AND PUBLISHED BY THE DEPARTMENT; OR

7. FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE STATEMENT OR REPORT TO THE DEPARTMENT; OR

8. REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY FOR LICENSING PURPOSES; OR

9. FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

10. FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE

DEPARTMENT OF HUMAN SERVICES OR BY ORDINANCES OF REGULATIONS APPLICABLE TO THE LOCATION OF SUCH FACILITY; OR

11. WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE PROVISIONS OF ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26 OR ANY OF THE STANDARDS PRESCRIBED AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26; OR

12. FAILS 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

13. IS 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. THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

    B. THE ADMINISTRATIVE LAW JUDGE FINDS THAT SUCH CHARGE IS SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

14. ADMITS 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 LICENSEE IN THE LICENSED FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE, AS DEFINED AT SECTION 19-1-103(1), C.R.S.; OR

15. IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR

16. MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR ~~SUCH~~ FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES.

G. The Department may deny an application for a child care facility license or a child placement agency license if the applicant is a relative OR affiliate of a licensee, as DEFINED ~~described~~ in Section ~~26-6-102(1)(d),~~26-6-903(28), C.R.S. AND SECTION 26-6-903(1~~8~~), C.R.S., of a child care facility or child placement agency, which is the subject of a previous negative licensing action or is the subject of a pending investigation by the ~~State~~ Department that may result in a negative licensing action.

H. For all CBI fingerprint-based criminal history record information checks required in this Section 7.701.33, including those confirming a criminal history as well as those confirming no criminal history, the ~~State~~ Department will conduct a comparison search on the State Judicial Department's court case management system and the sex offender registry of the Colorado Department of Public Safety. The court case management search must be based on name, date of birth, and address, in addition to any other available criminal history data that the ~~State~~ Department deems appropriate, is used to determine the type of crime(s) for which a person was arrested or convicted and the disposition thereof. The sex offender registry search is used to determine whether the address of a licensee or prospective licensee is listed as belonging to a registered sex offender, except that:

1. County departments of human/social services must conduct sex offender searches in the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice prior to certification and annually; include a copy in the provider record using the following criteria at a minimum:

    a. Known names and addresses of each adult residing in the foster care home or kinship foster care home; and,

    b. Address only, of the foster care home or the kinship foster care home.

2. Child placement agencies must conduct sex offender searches in the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice prior to certification and annually, include a copy in the provider record using the following criteria at a minimum:

   a. Known names and addresses of each adult residing in the foster care home or kinship foster care home; and,

   b. Address only of each adult residing in the foster care home or the kinship foster care home.

I. Portability of Background Checks

1. Where two (2) or more individually licensed facilities are wholly owned, operated, and controlled by a common ownership group or school district, a fingerprint-based criminal history records check and a check of the records and reports of child abuse or neglect maintained by the ~~State~~ Department, completed for one of the licensed facilities of the common ownership group or school district pursuant to this section for whom a criminal records check is required under Section 26-6-~~107~~912, C.R.S., may satisfy the records check requirement for any other licensed facility under the same common ownership group or school district. A new fingerprint-based criminal history records check or new check of the records and reports of child abuse or neglect maintained by the Department is not required of such an individual if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required pursuant to Section 26-6-~~104~~905, C.R.S., when informed of the results of a fingerprint-based criminal history records check or check of the of records and reports of child abuse or neglect maintained by the Department that requires action pursuant to the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act; and informs the ~~State~~ Department whenever an additional licensed facility comes under or is no longer under its ownership or control.

2. When a licensee is inspected pursuant to the ~~Child Care~~ FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY Licensing AND CERTIFICATION Act and records regarding CBI and FBI fingerprint-based criminal background checks, as well as records and reports of child abuse and neglect maintained by the ~~State~~ Department, and the comparison search on the State Judicial Department's court case management system are held at a central records management system, the licensee must be afforded fourteen (14) calendar days to provide to the ~~State~~ Department documentation necessary to verify that employees at the licensed facility have the required records related to fingerprint-based criminal background checks.

3. WHEN AN ORGANIZATION COMPLETES ALL FINGERPRINT CHECKS UNDER A SINGULAR PROVIDER NUMBER AND THE LICENSE FOR THAT PROVIDER NUMBER IS EITHER SURRENDERED, REVOKED, OR CLOSED, THE ORGANIZATION MUST SUBMIT NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS UNDER AT LEAST ONE (1) OF ITS CURRENT ACTIVE PROVIDER LICENSES FOR EVERY EMPLOYEE WORKING IN THE FACILITY OR AGENCIES THAT CONTINUE TO HOLD A CHILD CARE LICENSE.

J. State-based background checks

1. The following background check requests must be submitted and successfully completed for each state an individual has resided in, in the past five (5) years, prior to an individual caring for children or allowing the individual unsupervised access to children in child care ~~centers (less than 24-hour care), school-aged child care facilities, family child care homes, and qualified exempt provider homes~~ FACILITIES:

   a. State criminal history check.

   b. State sex offender registry check.

   c. State abuse and neglect registry check

K. ANY PERSON WHO HAS LIVED IN ANOTHER STATE IN THE FIVE (5) YEARS PREVIOUS TO APPLICATION FOR EMPLOYMENT OR INVOLVEMENT WITH THE AGENCY/FACILITY MUST INFORM THE AGENCY/FACILITY TO OBTAIN A COPY OF THE STATE CRIMINAL HISTORY CHECK FROM EACH STATE IN WHICH THEY HAD RESIDED. THIS IS A FINGERPRINT OR NAME-BASED CRIMINAL HISTORY CHECK THROUGH AN APPROVED STATE AGENCY OF PREVIOUS RESIDENCE TO DETERMINE IF PROSPECTIVE EMPLOYEES WHO HAVE LIVED IN OTHER STATES PRIOR TO LIVING IN COLORADO WITHIN FIVE (5) YEARS OF APPLICATIONS HAVE BEEN CONVICTED OF ANY CRIMINAL OFFENSES THAT ARE IDENTIFIED IN THE FOSTER CARE, RESIDENTIAL, DAY TREATMENT AND CHILD PLACEMENT AGENCIES LICENSING AND CERTIFICATION ACT. THIS CHECK IS NOT REQUIRED FOR STATES PARTICIPATING IN THE NATIONAL FINGERPRINT FILE (NFF) PROGRAM.

L. CRIMINAL RECORD CHECKS ARE NOT REQUIRED FOR TEMPORARILY PLACED YOUTH WHO ARE EIGHTEEN (18) YEARS OF AGE OR OLDER THAT ARE NOT LEGAL, PERMANENT, AND HABITUAL RESIDENTS OF THE CERTIFIED KINSHIP OR FOSTER HOME, AGENCY, OR FACILITY.

7.701.331 VOLUNTEERS AND INTERNS

A. IF VOLUNTEERS AND/OR INTERNS ARE USED BY A FACILITY, THE FACILITY'S ADMINISTRATION MUST DEFINE SPECIFICALLY THE SERVICES TO BE GIVEN OR PROVIDED BY THAT INDIVIDUAL.

B. FACILITIES AND AGENCIES MUST ENSURE, PRIOR TO WORKING IN THE FACILITY, VOLUNTEERS AND INTERNS:

1. HAVE A COMPLETED INFORMATION FORM INCLUDING NAME, ADDRESS, PHONE NUMBER, DATE OF BIRTH, AND PERSON TO CONTACT IN CASE OF EMERGENCY INCLUDING NAME, ADDRESS AND PHONE NUMBER.

2. HAVE A SIGNED ACKNOWLEDGEMENT FORM INCLUDING THE VOLUNTEER OR INTERN'S SPECIFIC ROLES AND RESPONSIBILITIES, AND A SIGNED MANDATORY ABUSE/NEGLECT REPORTING FORM.

3. A VOLUNTEER OR INTERN MUST HAVE AN ORIENTATION THAT INCLUDES, AT MINIMUM:

A. A FACILITY OVERVIEW;

B. INFORMATION ABOUT THE FACILITY AND DESCRIPTION OF THE POPULATION SERVED;

C. THE MISSION STATEMENT AND PHILOSOPHY OF THE FACILITY;

D. SAFETY PROCEDURES OF THE FACILITY;

E. THE CONFIDENTIAL NATURE OF THE WORK; AND

F. THEIR SPECIFIC JOB ASSIGNMENT, PRIOR TO THE ASSIGNMENT.

C. VOLUNTEERS OR INTERNS WHO WORK ON BEHALF OF THE FACILITY BUT DO NOT COME TO THE FACILITY FOR THE FULFILLMENT OF THEIR DUTIES, ARE EXCLUDED FROM BACKGROUND CHECK REQUIREMENTS IN THIS SECTION.

D. VOLUNTEERS AND INTERNS WHO WORK DIRECTLY WITH CHILDREN/YOUTH MUST BE UNDER THE DIRECT SUPERVISION OF A PAID STAFF MEMBER AT ALL TIMES, IN ADDITION TO THE REQUIREMENTS IN SECTION 7.701.331.B MUST:

1. BE SUBJECT TO REFERENCE CHECKS AS PERFORMED FOR EMPLOYMENT APPLICANTS.

2. BE SUBJECT TO A CHECK OF THE BACKGROUND INVESTIGATION UNIT, TRAILS ABUSE AND NEGLECT SYSTEM TO DETERMINE IF THE PERSON WAS FOUND TO BE RESPONSIBLE IN A CONFIRMED, AS DEFINED BY SECTION 19-1-103(33), C.R.S., REPORT

OF CHILD ABUSE OR NEGLECT REPORTED TO THE DEPARTMENT'S AUTOMATED SYSTEM. PARENTAL CONSENT MUST BE OBTAINED TO CONDUCT A BACKGROUND CHECK ON A MINOR UNDER THE AGE OF EIGHTEEN (18). BACKGROUND CHECK RESULTS MUST BE MAINTAINED AT THE LICENSED FACILITY OR AGENCY AND MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

3. INDIVIDUALS MUST NOT BE PERMITTED TO VOLUNTEER OR INTERN IF THE INDIVIDUAL SUSPECTS THEY MIGHT BE INFECTED WITH A CONTAGIOUS DISEASE.

E. VOLUNTEERS AND INTERNS WHOSE ACTIVITIES INVOLVE THE CARE AND SUPERVISION OF CHILDREN/YOUTH OR WHO HAVE UNSUPERVISED ACCESS TO CHILDREN/YOUTH MUST BE UNDER THE PROFESSIONAL SUPERVISION OF A PAID STAFF MEMBER AND MAY WORK ALONE WITH THE CHILD/YOUTH IN INDIVIDUAL SESSIONS OR MENTORING. IN ADDITION TO REQUIREMENTS IN SECTION 7.701.331.B AND C, THEY MUST:

1. BE SUBJECT TO CBI AND FBI FINGERPRINT BASED BACKGROUND CHECKS REQUIRED FOR ALL STAFF MEMBERS. PARENTAL CONSENT MUST BE OBTAINED TO CONDUCT A BACKGROUND CHECK ON A MINOR UNDER THE AGE OF EIGHTEEN (18)~~.~~;

2. BE SUBJECT TO A CHECK OF THE BACKGROUND INVESTIGATION UNIT, TRAILS ABUSE AND NEGLECT SYSTEM TO DETERMINE IF THE PERSON WAS FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT REPORTED TO THE DEPARTMENT'S AUTOMATED SYSTEM. PARENTAL CONSENT MUST BE OBTAINED TO CONDUCT A BACKGROUND CHECK ON A MINOR UNDER THE AGE OF EIGHTEEN (18)~~.~~;

3. BE SUBJECT TO TRAINING AS REQUIRED IN SECTION 7.714.92.B~~.~~;

4. BE CURRENTLY LICENSED IN THE STATE OF COLORADO IF PROVIDING PROFESSIONAL SERVICES TO CHILDREN/YOUTH;

5. BE SUBJECT TO FACE-TO-FACE SUPERVISION WITH A PAID STAFF MEMBER PROVIDING SUPERVISION AND GUIDANCE OF THE VOLUNTEER OR INTERN ON AT LEAST A WEEKLY BASIS; AND

6. HAVE A PERFORMANCE REVIEW, BY A PAID STAFF MEMBER ON AT LEAST A SEMI-ANNUAL BASIS.

F. VOLUNTEERS AND INTERNS ARE NOT SUBSTITUTES FOR PAID STAFF MEMBERS, AND THE FACILITY MUST BE FULLY STAFFED ACCORDING TO THE REQUIREMENTS HEREIN.

7.701.34 Fire and Health Inspections, Zoning Codes

A. Prior to the original license being issued, following the renovation of the facility that would affect the licensing of the facility and at least every two (2) years thereafter, all child care facilities except family ~~child care homes and Neighborhood Youth Organizations~~ FOSTER HOMES must be inspected and obtain an approving inspection report from the local department of health or the Colorado Department of Public Health and Environment and from the local fire department. These reports must be maintained at the facility and be available for review upon request by a ~~Licensing Specialist.~~ DEPARTMENT REPRESENTATIVE. THE FIRE AUTHORITY WILL INSPECT EACH FACILITY AT ANNUAL INTERVALS FOR COMPLIANCE.

B. Prior to the original license being issued, all child care facilities~~,~~ except for foster homes ~~and specialized group facilities, that are providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who have a serious emotional disturbance~~, must submit to the ~~State~~ Department written approval from the local zoning department approving operation of the facility. The approval must include the address of the child care facility and the ages and number of children to be served. The facility must also submit written zoning department approval to the ~~State~~ Department any time there is a change to the license, including moving the facility to another location, increasing the capacity, or adding different ages of children.

C. All child care facilities must operate in compliance with local planning and zoning requirements of the municipality, city, and county~~, or county~~ where the facility is located.

D. ACCORDING TO SECTION 26-6-909(2)(E)(II), C.R.S., A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED BY LAW BY PROVIDING A COPY OF THE SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE (12) MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE (12) MONTHS.

7.701.35 Changes Requiring a New Application

PURSUANT TO SECTION 26-6-907(2), C.R.S., a license is deemed surrendered, and a new application is required in any of the following circumstances:

A. Change of licensee, owner, or governing body;

B. Change in classification of facility or service offered; or

C. Change in location of the facility.

7.701.36 Types of Licenses

7.701.361 Permanent License

A. A permanent license is granted when the ~~State~~ Department is satisfied that the facility or agency is in compliance with the appropriate Department rules and ~~the Child Care~~ SECTION 26-6-901 THROUGH SECTION 26-6-923, C.R.S. ~~Licensing Act~~. The permanent license remains in effect until surrendered, SUSPENDED, or revoked.

B. Once a permanent license has been issued, the licensee must annually submit to the ~~State~~ Department a declaration of compliance with the applicable licensing rules and notice of continuing operation on the form prescribed by the ~~State~~ Department, along with the appropriate annual fee as set forth at Section 7.701.4.

C. Failure to submit the annual Continuation Notice and fee will constitute a consistent failure to maintain ~~State~~ Department standards and may result in fines or the revocation of the license.

7.701.362 Time-Limited License

A. A time-limited license is granted for specific types of child care facilities or agencies when the ~~State~~ Department is satisfied that the facility or agency is in compliance with the appropriate ~~State~~ Department rules and SECTIONS 26-6-901 THROUGH 26-6-923, C.R.S.~~the Child Care Licensing Act~~. The time-limited license will expire on a set date.

B. Once a time-limited license has been issued, the licensee must submit a renewal application and appropriate fee prior to the expiration of the time-limited license. This will keep the license in effect until a new time-limited license can be issued.

C. Failure to submit the renewal application prior to the expiration of the time-limited license will result in the expiration of the license and closure of the facility.

7.701.363 Provisional License

A. PURSUANT TO SECTION 26-6-906(3), C.R.S. a provisional license or certificate may be issued only for the initial six (6) month licensing period IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE

BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED.

B. This license permits the facility to operate while it is temporarily unable to conform to all rules upon proof by the applicant that attempts are being made to comply with the rules.

C. If an applicant holds a valid provisional license at the time of RE-application for a permanent license, the provisional license will remain in effect until the NEW application is acted on by the ~~State~~ Department.

7.701.364 Probationary License

A. The Department may make ~~a probationary~~ the license of any facility PROBATIONARY as provided in Section 26-6-~~108~~914(2), C.R.S. Making a license probationary is a negative licensing action as defined in Section 26-6-~~102(25)(A)~~903(21), C.R.S.

B. If the applicant holds a valid probationary license and submits the renewal application and appropriate fee for a permanent license, the current license will remain in effect until the renewal application is acted on by the ~~State~~ Department.

7.701.365 Multiple Licenses

A. If a licensee wishes to assume child care responsibility in more than one classification of care, separate applications, fees, and licensing evaluations are required for each classification. A family child care home and a specialized group home may only be licensed as one type of classification at any one location address.

B. If a licensee wishes to operate more than one (1) facility of the same classification but at different locations, a separate application, fee, and evaluation are required for each location.

C. Operating multiple licenses of the same classification at a single location by the same licensee or governing body is prohibited.

7.701.4 Fees

A. The appropriate application fee outlined in SECTION 7.701.4.E~~C~~, must be submitted to the ~~State~~ Department with the application for a child care~~,~~ FACILITY OR agency ~~or neighborhood youth organization~~ license at least ~~sixty (60)~~ NINETY (90) calendar days prior to the anticipated opening date of the facility or the expiration date of the ONE (1) YEAR TIME-LIMITED provisional or probationary license.

B. The appropriate annual continuation fee outlined in SECTION 7.701.4.E~~C~~, must be submitted to the ~~State~~ Department annually, at least sixty (60) calendar days prior to the anniversary date of the license, along with a completed continuation declaration.

C. WHEN A FACILITY MOVES TO A NEW PHYSICAL ADDRESS, AN ORIGINAL APPLICATION AND AN ORIGINAL FEE IS REQUIRED. IF A CHILD PLACEMENT AGENCY MOVES OFFICE LOCATIONS, A CHANGE FEE IS REQUIRED ALONG WITH A LETTER OF NOTIFICATION.

D. IF THE LICENSEE ALREADY HOLDS A BASE LICENSE OF THE REQUIRED TYPE AND THE LICENSEE WANTS TO ADD AN ADDITIONAL SERVICE TYPE TO THE EXISTING LICENSE, THE LICENSEE MUST SUBMIT THE ORIGINAL APPLICATION AND PAY ONLY THE FEE TO ADD A NEW INITIAL SERVICE TO BASE LICENSE.

E~~C~~. Following is a schedule of original and annual continuation/RENEWAL fees for all types of child care facilities and agencies:

~~***FAMILY CHILD CARE HOMES (1-6 CHILDREN)***~~

	~~Beginning~~ ~~JULY 1, 2018*~~	~~Beginning~~ ~~JULY 1,2019*~~	~~JULY 1, 2020 and beyond*~~
~~Original Application~~	~~$35.00~~	~~$55.00~~	~~$65.00~~
~~Continuation~~	~~$35.00~~	~~$55.00~~	~~$65.00~~
~~*(*One year from licensed anniversary date)*~~			

~~*LARGE FAMILY CHILD CARE HOMES (7-12 CHILDREN)*~~			
	~~Beginning JULY 1, 2018*~~	~~Beginning July 1, 2019*~~	~~JULY 1, 2020 and beyond*~~
~~*Original Application*~~	~~*$55.00*~~	~~*$75.00*~~	~~*$100.00*~~
~~*Continuation*~~	~~*$55.00*~~	~~*$75.00*~~	~~*$100.00*~~
~~*(*One year from licensed anniversary date)*~~			

~~*EXPERIENCED FAMILY CHILD CARE PROVIDER (UP TO 9 CHILDREN)*~~			
	~~Beginning JULY 1, 2018*~~	~~Beginning July 1, 2019*~~	~~JULY 1, 2020 and beyond*~~
~~*Original Application*~~	~~*$55.00*~~	~~*$75.00*~~	~~*$100.00*~~
~~*Continuation*~~	~~*$55.00*~~	~~*$75.00*~~	~~*$100.00*~~
~~*(*One year from licensed anniversary date)*~~			

~~*SMALL CHILD CARE CENTERS, PRESCHOOLS, SCHOOL-AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (5-15 CHILDREN)*~~			
	~~Beginning JULY 1, 2018*~~	~~Beginning July 1, 2019*~~	~~JULY 1, 2020 and beyond*~~
~~*Original Application*~~	~~*$125.00*~~	~~*$150.00*~~	~~*$200.00*~~
~~*Continuation*~~	~~*$125.00*~~	~~*$150.00*~~	~~*$200.00*~~
~~*(*One year from licensed anniversary date)*~~			

~~*LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL -AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (16-30 CHILDREN)*~~
~~*Facilities in this category will pay a base fee + a per child in capacity fee not to exceed $1.800*~~

	~~Beginning~~ ~~JULY 1,2018~~	~~Beginning~~ ~~JULY 1,2019~~	~~JULY 1, 2020 and beyond~~
~~Original Application~~	~~Base $150.00+ $2.00 Per Child~~	~~Base $175.00+ $2.00 Per Child~~	~~Base $175.00+ $3.00 Per Child~~
~~Continuation~~	~~Base $150.00+ $2.00 Per Child~~	~~Base $175.00+ $2.00 Per Child~~	~~Base $175.00+ $3.00 Per Child~~
~~*(*One year from licensed anniversary date)*~~			

~~*LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL -AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (31 or more CHILDREN)*~~			
~~*Facilities in this category will pay a base fee + a per child in capacity fee not to exceed $1.800*~~			
	~~Beginning~~ ~~JULY 1,2018~~	~~Beginning~~ ~~JULY 1,2019~~	~~JULY 1, 2020 and beyond~~
~~Original Application~~	~~Base $200.00 + $2.00 Per Child~~	~~Base $250.00 + $2.00 Per Child~~	~~Base $300.00 + $3.00 Per Child~~
~~Continuation~~	~~Base $200.00 + $2.00 Per Child~~	~~Base $250.00 + $2.00 Per Child~~	~~Base $300.00 + $3.00 Per Child~~
~~*(*One year from licensed anniversary date)*~~			

Day Treatment CENTER~~S~~			
	~~Beginning~~ ~~2018*~~	~~Beginning~~ ~~2019*~~	BEGINNING JULY~~JUNE~~ 1, 2020~~0~~5 and beyond*
Original Application	~~$500.00~~	~~$655.00~~	~~$884.00~~$911.00
Continuation 0-12 Students	~~$340.00~~	~~$438.00~~	~~$535.00~~$552.00
Continuation 13-25 Students	~~$556.00~~	~~$716.00~~	~~$875.00~~$901.00
Continuation 26-50 Students	~~$770.00~~	~~$992.00~~	~~$1216.00~~$1,252.00

Continuation 51 or more Students	~~$1,003.00~~	~~$1,291.00~~	~~$1580.00~~$1,627.00
(*One year from licensed anniversary date)			

Specialized Group FacilitY~~ies~~			
	~~**Beginning 2018***~~	~~**Beginning 2019***~~	**BEGINNING JULY~~JUNE~~ 1, 2020~~0~~5 and beyond***
Original Application	~~$200.00~~	~~$266.00~~	~~$354.00~~$365.00
Continuation	~~$169.00~~	~~$217.00~~	~~$267.00~~$275.00
CHANGE OF CERTIFYING ~~SPONSORING~~ AGENCY			$100.00
(*One year from licensed anniversary date)			

Child Placement Agency- Foster Care			
	~~**Beginning 2018***~~	~~**Beginning 2019***~~	**BEGINNING JULY~~JUNE~~ 1, 2020~~0~~5 and beyond***
Original Application	~~$880.00~~	~~$1,133.00~~	~~$1,386.00~~$1,428.00
ORIGINAL APPLICATION FOR THERAPEUTIC FOSTER CARE (PLUS CPA FEE ABOVE)			$300.00
ORIGINAL APPLICATION FOR TREATMENT FOSTER CARE (PLUS CPA FEE ABOVE)			$300.00
~~Continuation~~ RENEWAL 0-5 Homes	~~$448.00~~	~~$577.00~~	~~$705.00~~$726.00
~~Continuation~~ RENEWAL 6-15 Homes	~~$571.00~~	~~$732.00~~	~~$899.00~~$926.00

~~Continuation~~ RENEWAL 16-30 Homes	~~$710.00~~	~~$914.00~~	~~$1,108.00~~$1,141.00
~~Continuation~~ RENEWAL 31-50 Homes	~~$834.00~~	~~$1,074.00~~	~~$1,313.00~~$1,352.00
~~Continuation~~ RENEWAL 51 or More Homes	~~$973.00~~	~~$1,253.00~~	~~$1,532.00~~$1,578.00
*(*One year from licensed anniversary date)*			
*(***WITH RENEWAL OF THERAPEUTIC FOSTER CARE ADD $150.00 TO ~~ALL~~ LISTED LICENSE FEES)*			
*(***WITH RENEWAL OF TREATMENT FOSTER CARE ADD $150.00 TO ~~ALL~~ LISTED LICENSE FEES)*			

Child Placement Agency- Adoption			
	~~Beginning~~ ~~2018*~~	~~Beginning~~ ~~2019*~~	BEGINNING JULY~~JUNE~~ 1, 2020~~6~~5 and beyond*
Original Application	~~$672.00~~	~~$865.00~~	~~$1,059.00~~$1,091.00
Continuation 0-5 Finalized Adoptions	~~$340.00~~	~~$423.00~~	~~$513.00~~$528.00
Continuation 6-11 Finalized Adoptions	~~$379.00~~	~~$488.00~~	~~$597.00~~$615.00
Continuation 12-17 Finalized Adoptions	~~$401.00~~	~~$516.00~~	~~$632.00~~$651.00
Continuation 18-23 Finalized Adoptions	~~$448.00~~	~~$577.00~~	~~$705.00~~$726.00
Continuation 24 or MORE Finalized Adoptions	~~$463.00~~	~~$596.00~~	~~$730.00~~$752.00
*(*One year from licensed anniversary date)*			

F~~D~~. A child placement agency licensed for both foster care and adoption~~s~~ will pay only one fee, either the foster care fee or the adoption fee, whichever is greater. The annual report required by ~~regulation~~ SECTION 7.710.72~~-~~.b, must be attached.

Homeless Youth Shelter			
	~~Beginning~~ ~~2018~~	~~Beginning~~ ~~2019~~	BEGINNING JULY~~JUNE~~ 1, 202~~0~~5 and beyond*
Original Application	~~$500.00~~	~~$665.00~~	~~$884.00~~$911.00
Continuation	~~$463.00~~	~~$596.00~~	~~$729.00~~$751.00
*(*ONE YEAR FROM LICENSED ANNIVERSARY DATE)*			

Residential Child Ceare Facility			
	~~Beginning~~ ~~2018* ** ***~~	~~Beginning~~ ~~2019* ** ***~~	BEGINNING JULY~~JUNE~~ 1, 202~~0~~5 and beyond* ** ***
Original Application	~~$1,111.00~~	~~$1,430.00~~	~~$1,750.00~~$1,803.00
ORIGINAL APPLICATION FOR QRTP (PLUS RCCF FEE LISTED ABOVE)			$500.00
ORIGINAL APPLICATION FOR PRTF (PLUS RCCF FEE LISTED ABOVE)			$500.00
ORIGINAL APPLICATION FOR RUNAWAY AND HOMELESS YOUTH AND SHELTER CARE (PLUS RCCF FEE LISTED ABOVE)			$250.00
~~Continuation~~ RENEWAL 0- 12 Children/Youth	~~$340.00~~	~~$438.00~~	~~$535.00~~$551.00
~~Continuation~~ RENEWAL13-25 Children/Youth	~~$556.00~~	~~$716.00~~	~~$875.00~~$901.00
~~Continuation~~ RENEWAL 26-50 Children/Youth	~~$770.00~~	~~$992.00~~	~~$1,216.00~~$1,252.00
~~Continuation~~ RENEWAL 51-100 Children/Youth	~~$1,003.00~~	~~$1,291.00~~	~~$1,580.00~~$1,627.00

~~Continuation~~ RENEWAL 101 or MORE Children/Youth	~~$1,235.00~~	~~$1.570.00~~	~~$1,800.00~~$1,854.00
*(*One year from licensed anniversary date)*			
*(**With RENEWAL OF RUNAWAY AND HOMELESS YOUTH AND Shelter CARE add $100.00 to ~~all~~ listed license fees)*			
*(***With RENEWAL OF PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTF) add $200.00 to ~~all~~ listed license fees)*			
*(***WITH RENEWAL OF QUALIFIED RESIDENTIAL TREATMENT PROGRAMS (QRTP) ADD $200.00 TO ~~ALL~~ LISTED LICENSE FEES)*			

Secure Residential TREATMENT CENTER ~~Childcare Facility~~			
	~~Beginning~~ ~~2018~~	~~Beginning~~ ~~2019~~	BEGINNING JULY~~JUNE~~ 1, 2020~~5~~ and beyond
Original Application	~~$1,297.00~~	~~$1,670.00~~	~~$1,800.00~~$1,854.00
Continuation 0- 12 CHILDREN/YOUTH	~~$1,297.00~~	~~$1.670.00~~	~~$1,800.00~~$1,854.00

RESPITE CHILD CARE CENTERS	
ORIGINAL APPLICATION	$365.00
CONTINUATION	$275.00
*(*ONE YEAR FROM LICENSED ANNIVERSARY DATE)*	

Changes Made to All License Types			
	~~Beginning~~ ~~July 1, 2018~~	~~Beginning~~ ~~July 1, 2019~~	BEGINNING JULY~~JUNE~~ 1, 2020~~5~~ and beyond*

INCREASES ~~Changes~~ to Licensed Capacity	~~$62.00~~	~~$80.00~~	~~$97.00~~$100.00
Changes to Physical Premises AT CURRENT ADDRESS	~~$62.00~~	~~$80.00~~	~~$97.00~~$100.00
~~**ADDING ADDITIONAL SERVICE TO BASE LICENSE (EXCLUDING PRTF AND QRTP)**~~			~~$100.00~~
Duplicate Licenses	~~$40.00~~		$44.00

G~~E~~. International adoption agencies with out-of-state offices will be required to reimburse the ~~State~~ DEPARTMENT for actual and necessary charges involved with travel to out-of-state offices.

H~~F~~. The appropriate fee must be submitted for each appeal request submitted within each licensing year. There will be no charge for ~~waiver~~ INITIAL HARDSHIP AND STRINGENCY requests or emergency appeals. SECTION 26-6-907(1)(B)(V), C.R.S. ALLOWS FOR THE COLLECTION OF FEES ASSOCIATED WITH THE FILING OF APPEALS.

~~***LESS THAN 24-HOUR APPEAL AND FEES (PER CALENDAR YEAR)***~~ ***PROVIDER APPEAL AND WAIVER FEES***	
~~Initial appeal request~~	~~Free~~
COUNTY APPEALS	FREE
HARDSHIP WAIVERS*	FREE
EMERGENCY APPEALS	FREE
STRINGENCY APPEALS*	FREE
(*IF MORE THAN FIVE (5) HARDSHIP WAIVERS OR STRINGENCY APPEALS ARE SUBMITTED BY A FACILITY OR AGENCY PER MONTH, THE SIXTH (6TH) AND SUBSEQUENT APPEALS WILL EACH BE CHARGED A FEE.)	$25.00
~~Second appeal request~~	~~$10.00 Each~~
~~Three or more requests~~	~~$25.00 Each~~
~~Emergency Appeals~~	~~Free~~

G. ~~Any eligible child care facility providing less than 24-hour care that holds a Colorado shines level 3-5 and an average annual enrollment of at least fifty (50) percent of total children enrolled receiving assistance from the Colorado Child Care Assistance Program (CCCAP) or enroll on average at least fifty (50) percent of the county's total CCCAP population may receive a discounted continuation fee of up to fifty (50) percent of their respective license type. The Colorado shines rating and CCCAP enrollment must be verified by the State Department.~~

7.701.5 ADMINISTRATION

7.701.51 Governing Body

A. The governing body must be identified by its legal name on the original application and annual continuation notice OR RENEWAL APPLICATION. The names and addresses of individuals who hold primary financial control and officers of the governing body must be fully disclosed to the ~~State~~ Department.

B. The governing body must demonstrate to the ~~State~~ Department, upon request, that there is sufficient financial support to operate and maintain the facility in accordance with all rules in Section 7.701, the rules regulating the specific type of facility, and the goals and objectives of the facility.

7.701.52 Reports

A. AS DEFINED UNDER SECTION 7.701.2, A Critical incident ~~reporting~~ MUST BE REPORTED for ~~24-hour~~ LICENSED agencies, facilities, and day treatment centers AND THE LICENSEE, FACILITY, OR AGENCY MUST FOLLOW ALL CONFIDENTIALITY LAWS AND REGULATIONS THAT APPLY TO CRITICAL INCIDENT REPORTING.

~~Within~~ IN NO CASE MUST A CRITICAL INCIDENT BE REPORTED LATER THAN twenty-four (24) hours AFTER RECEIVING INFORMATION, excluding weekends and STATE-OBSERVED holidays, of the occurrence of a critical incident at the facility or within twenty-four (24) hours of a child's/YOUTH'S return to the facility. A REPORT MAY INCLUDE MORE THAN ONE CHILD, YOUTH, AND/OR STAFF AND IS REQUIRED PER INCIDENT AND CATEGORY TYPE. INCIDENTS MUST BE REPORTED UNDER THE MOST SERIOUS CATEGORY LISTED BELOW.

1. Death

   a. Report any child/youth death in the facility or foster home while a child/YOUTH has an open placement, to include while a child/YOUTH is on or off grounds;

   b. Report death of a child/youth while a child/YOUTH is on the premises of a day treatment center;

   c. Report death of staff while on duty;

   d. Report death of foster parent with child(ren)/youth in placement; and

   e. Report death of volunteer or visitor while on premises.

2. Abuse and neglect (CRITICAL INCIDENT REPORTING MUST BE COMPLETED IN ADDITION TO REPORTING PURSUANT TO SECTION 19-3-304, C.R.S.)

   a. Report any allegation, suspicion, reasonable cause to know, observation, or condition of physical, sexual, verbal, emotional, psychological, HUMAN TRAFFICKING, or financial abuse to a child/youth when they are in placement or on the premises;

   b. Report any allegation, suspicion, reasonable cause to know, observation, or condition of physical, deprivation of needs, medical, supervisory, emotional, psychological, or financial neglect to a child/youth while they are in placement or on the premises; and

   c. Report notification of an open investigation conducted by the county department WHEN THE ALLEGATION ORIGINATED OUTSIDE THE AGENCY OR FACILITY OR FOR WHICH THE AGENCY OR FACILITY DID NOT REPORT TO THE HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

3. Injury

   a. Report any serious injury to a child/youth that requires emergency medical attention by a healthcare professional AT A MEDICAL FACILITY ~~outside of the facility~~ or BY AN EMERGENCY MEDICAL TECHNICIAN (EMT) OR OTHER FIRST RESPONDER AT A FOSTER HOME~~admission to a hospital~~;

   b. Report any serious injury in which there is no known cause or due to alleged lack of supervision;

c. Report any injury, bruise, or abrasion on the child/youth OR COMPLAINT OF PHYSICAL INJURY MADE BY THE CHILD/YOUTH that occurs as a result of a physical ~~management~~ RESTRAINT~~.~~;

d. Report any SERIOUS injury to a foster parent, staff, volunteer, or visitor as a result of an ADVERSE PHYSICAL INTERACTION; ~~altercation~~ with a child/youth~~.~~

E. REPORT ANY SERIOUS INJURY OF A CHILD/YOUTH REQUIRING ADMISSION TO A HOSPITAL; AND

F. REPORT ANY SELF-INJURIOUS BEHAVIOR BY A CHILD/YOUTH THAT REQUIRES EMERGENCY MEDICAL ATTENTION BY A HEALTHCARE PROFESSIONAL OUTSIDE OF THE FACILITY OR FOSTER HOME.

4. Illness

a. Report any serious illness that requires emergency medical attention by a healthcare professional outside of the facility OR FOSTER HOME~~or admission to a hospital~~;

b. Report when the wrong medication or dosage is given, or when the prescribed medication is not given to the child/youth, which results in an adverse side effect (physiological or psychological) which requires treatment from a medical professional outside of the facility OR FOSTER HOME to address the adverse effects and ensure the safety of the child/youth to sustain life;

c. A COMMUNICABLE reportable disease, as required by the Colorado Department of Public Health and Environment, of a child/YOUTH, or staff member;

d. Report any suicidal attempt by a child/youth that requires emergency medical attention by a health care professional outside of the facility ~~or admission to a hospital~~;

~~e. Report any self-injurious behavior by a child/youth that requires emergency medical attention by a health care professional outside of the facility or admission to a hospital;~~

~~f~~E. Report if a child/youth is placed on ~~a~~ ANY INVOLUNTARY HOLD ~~72-hour/,M1 hold~~;

~~g~~F. Report if a child, foster parent, or staff on duty receives medical or emergency attention outside of the facility as a result of a drug or alcohol-related incident~~.~~; AND

G. REPORT ANY SERIOUS ILLNESS OF A CHILD/YOUTH REQUIRING ADMISSION TO A HOSPITAL.

5. Emergency response

a. Report if a fire department responds to a fire;

b. Report a hazardous situation that occurs that could have possibly threatened the lives of other people around a facility or foster home;

c. Report incidents that result in law enforcement taking control of a situation or taking control of a facility or foster home;

d. Report any major or/credible threat to the security and/or safety of a facility, foster home, or child/youth in out-of-home care;

e. Report if a law enforcement agency files charges; issues a summons or citation to a child/youth, and/or a child/youth is arrested while the child/youth has an open placement at the facility or foster home, to include when child/youth is on or off grounds;

f. ~~Report~~ ~~I~~if a child/youth UNDER THE AGE OF EIGHTEEN (18) ~~leaves~~ IS ABSENT FROM THE FACILITY OR FOSTER HOME without consent, THE FACILITY OR AGENCY MUST MAKE A REPORT TO THE DEPARTMENT NO LATER THAN TWENTY-FOUR (24) HOURS AFTER RECEIVING INFORMATION OF WHEN THE CHILD/YOUTH LEFT THE FACILITY OR FOSTER HOME; AND ~~if under the age of 18 and does not return to the facility or foster home within 24 hours;~~

g. Report if D~~d~~ivision of Y~~y~~outh S~~s~~ervices child/youth escapes the facility or foster home.

B. A ~~report of a~~ critical incident REPORT must be submitted BY THE LICENSED PROVIDER directly through the Colorado Department of Human Services, Division of Child Welfare, Trails automated system.

C. THE RESIDENTIAL CHILD CARE FACILITY MUST NOTIFY THE DEPARTMENT IN WRITING WITHIN FIVE (5) BUSINESS DAYS WHEN A DETERMINATION IS MADE BY THE ADMINISTRATION TO CONTINUE EMPLOYING A STAFF MEMBER ON WHOM THE FACILITY HAS RECEIVED NOTICE, EITHER VERBALLY OR IN WRITING, OF A CONFIRMED, AS DEFINED BY SECTION 19-1-103(33), C.R.S., REPORT OF THE STAFF MEMBER BEING FOUND CULPABLE FOR AN ACT OF ABUSE OR NEGLECT. THE WRITTEN NOTICE MUST INCLUDE A SUPERVISION ~~SAFETY~~ PLAN AS WELL AS THE JUSTIFICATION OF CONTINUING TO EMPLOY THE STAFF MEMBER.

D. REQUIRED NOTIFICATION

1. A FACILITY MUST IMMEDIATELY NOTIFY THE CHILD'S/YOUTH'S LEGAL CUSTODIAN(S) AND/OR THE RESPONSIBLE PLACING AGENCY OF ANY SERIOUS ILLNESS OR SERIOUS INJURY RESULTING IN MEDICAL TREATMENT AWAY FROM THE FACILITY, HOSPITALIZATION, OR DEATH INVOLVING A CHILD/YOUTH IN CARE.

2. THE FACILITY MUST NOTIFY THE LEGAL CUSTODIAN(S) AND/OR PLACING AUTHORITY AS SOON AS POSSIBLE OR AT LEAST WITHIN TWENTY-FOUR (24) HOURS EXCLUDING WEEKENDS AND HOLIDAYS UPON DISCOVERY THAT A CHILD/YOUTH HAS RUN AWAY.

3. CRITICAL INCIDENTS MUST BE REPORTED AS OUTLINED IN SECTION 7.701.52.A.

~~B. Reporting for family child care homes, child care center, preschools, school age child care, children's resident camps and neighborhood youth organizations~~

~~1. Within twenty-four (24) hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within twenty-four (24) hours of a child's return to the facility the licensee must report in writing to The Office of Early Childhood, Division of Early Care And Learning the following critical incidents involving a child in the care of the facility or a staff member on duty:~~

~~a. All deaths including the death of a child, staff member or volunteer as a result of an accident, suicide, assault, Sudden Unexpected Infant Death or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the State Department within 24 hours of the incident.~~

~~b. An injury to a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital, whether or not treatment was given. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the State Department within 24 hours of the incident.~~

~~c. A child or staff member with a reportable disease, as defined by the Colorado Department of Public Health and Environment at 6 CCR 1009-1:1, Appendix A (2019), which is hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8TH floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost from the Colorado Department of Public Health and Environment at 4300 Cherry Creek Drive South, Denver, Colorado 80246 or at~~

~~WWW.SOS.STATE.CO.US/CCR. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the State Department within 24 hours of the incident.~~

~~d. Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in a mandatory report to law enforcement or a county department of human or social services agency, or the child abuse reporting hotline as described in Section19-3-304, C.R.S.~~

~~e. Any fire that is responded to by a local fire department~~

~~f. Any major threat to the security of a facility including, but not limited to, a threat to kidnap a child, riots, bomb threats, hostage situations, use of a weapon, drive by shootings, active shooter situations, lock downs, or lock out situations.~~

~~g. A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.~~

~~h. An assault which results in a report to law enforcement, as defined by Sections 18-3-201 through 18-3-204, C.R.S., by a child upon a child; a child upon a staff member, volunteer or other adult; a staff member, volunteer, or other adult upon a child, other staff member or other adult.~~

~~i. A suicide attempt by a child at the facility which requires emergency intervention.~~

~~j. Felony theft or destruction of property by a child at the facility for which law enforcement is notified.~~

~~k. Any police or sheriff contact with the facility for a crime committed by a resident while in placement at the facility.~~

~~l. Any damage to the facility as a result of severe weather, fire, flood, mold or other natural disaster, or damage to the facility by any means that prevents the facility from normal operation.~~

~~C~~E. Reports Made to the ~~State~~ Department within Ten (10) BUSINESS ~~Working~~ Days

1. Any legal action against a facility, agency, owner, operator, or governing body that relates to or may impact the care or placement of children/YOUTH~~.~~;

2. Change of director of facility or agency;

3. Closure of the facility or agency;

4. Change of placement supervisor for a child placement agency~~.~~;

5. Change in Trails child placement agency (CPA) supervisor or T~~t~~rails public provider profile.

~~D~~F. Changes to a License Requiring Written Notification to the ~~State~~ Department and Prior ~~State~~ Department Approval

1. Proposed change in the number, ~~sex~~ GENDER IDENTITY, or age of children/YOUTH for whom the facility is licensed that differs from that authorized by the license.

2. Changes in the physical facility or use of rooms for child care at a facility.

3. Change of name of the facility or agency.

4. Change of residents in the facility, not to include those residents placed in the facility by a county department or a child placement agency.

7.701.53 Reporting of Child Abuse/NEGLECT

A. ALL ~~child care~~ AGENCIES AND FACILITIES must require each FOSTER PARENT OR staff member of the FOSTER HOME OR facility to read and sign a statement clearly defining child abuse and neglect pursuant

to state law and outlining the staff member's OR FOSTER PARENT'S personal responsibility to report all incidents of child abuse or neglect according to state law.

B. Pursuant to Section 19-3-304, C.R.S., ~~any caregiver or staff member in a child care facility~~ ANY WORKER IN ANY FACILITY OR AGENCY THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 9 OF ARTICLE 6 OF TITLE 26 who has reasonable cause to know or suspect that a child~~YOUTH~~ has been subjected to abuse or neglect or who has observed the child~~YOUTH~~ being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the ~~state hotline, county department of human or social services HOTLINE, or local law enforcement agency.~~ COUNTY DEPARTMENT, THE LOCAL LAW ENFORCEMENT AGENCY, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

C. ANY CAREGIVER OR STAFF MEMBER IN A CHILD CARE FACILITY WHO HAS REASONABLE CAUSE TO KNOW OR SUSPECT THAT A YOUTH AGES EIGHTEEN (18) TO TWENTY-ONE (21) YEARS OLD, WHO IS CONSIDERED A VULNERABLE YOUTH IN PLACEMENT, HAS BEEN SUBJECTED TO ABUSE OR NEGLECT OR WHO HAVE OBSERVED THE YOUTH BEING SUBJECTED TO CIRCUMSTANCES OR CONDITIONS THAT WOULD REASONABLY RESULT IN ABUSE OR NEGLECT, MUST IMMEDIATELY UPON RECEIVING SUCH INFORMATION, REPORT OR CAUSE A REPORT TO BE MADE OF SUCH FACT TO THE STATE HOTLINE, COUNTY INTAKE DEPARTMENT OF HUMAN/SOCIAL SERVICES, OR LOCAL LAW ENFORCEMENT AGENCY.

~~C~~D. At the time of admission the facility must give the child's/YOUTH'S parent or guardian information that explains how AND WHERE to report suspected child abuse or child neglect.

7.701.54 Investigation of Child Abuse/NEGLECT

A. Staff members of the county department of human/social services or a law enforcement agency that investigates an allegation of child abuse must be given the right to interview staff and children/YOUTH in care, and to obtain names, addresses, and telephone numbers of parents or legal guardians of children/YOUTH enrolled at the child care facility.

1. An agency or facility must not interfere or refuse to cooperate with a child protection investigation. COOPERATION INCLUDES, BUT IS NOT LIMITED TO, A REQUEST FOR DOCUMENTATION, VIDEOS, CONTACT INFORMATION, AND INTERVIEWS WITH STAFF AND CHILD(REN)/YOUTH.

2. An agency or facility must not interview staff or children/YOUTH regarding the specific allegation(s) of child abuse or child neglect until the county department of human/social services and/or local law enforcement agency has had the opportunity to interview all appropriate individuals and completed their investigation.

B. Any report made to the law enforcement authorities or a county department of human/social services of an allegation of abuse of any child/YOUTH at the child care facility will result in the temporary suspension ~~or reassignment~~ of duties of the alleged perpetrator to remove the risk of harm to the child(REN)/YOUTH if there is reasonable cause to believe that the life or PHYSICAL/ MENTAL health of the victim or other child(REN)/YOUTH at the facility is in imminent danger due to continued contact between the alleged perpetrator and the child(REN)/~~children~~YOUTH at the facility. Such suspension or reassignment of duties will remain in effect pending the outcome of the investigation by the appropriate authorities.

7.701.55 Reporting of Licensing Complaints

~~Child care~~ AGENCIES AND facilities must provide written information to parents, ~~or~~ legal guardians, OR FOSTER PARENTS at the time of admission and staff members at the time of employment on how to file a complaint concerning OBSERVED OR suspected licensing violations. ~~For family child care homes, child care centers, preschools, school age child care, children's resident camps, and neighborhood youth organizations, t~~The information must include the complete name, mailing address, and telephone number of the Colorado Department of Human Services, ~~Division of Early Care and Learning. For 24-hour care agencies and facilities providing out-of-home care~~

~~and day treatment centers, the information must include the complete name, mailing address, and telephone number of the Colorado Department of Human Services,~~ Division of Child Welfare.

7.701.56 Posting Licensing Information

A. At all times during the operating hours of the facility, except for foster care homes, the facility/agency must post the current child care license in a prominent and conspicuous location easily observable by those entering the child care facility or agency. For foster care homes, the certificate must be available for review/upon request of the public.

B. AT ALL TIMES DURING THE OPERATING HOURS OF THE FACILITY, EXCEPT FOR FOSTER CARE HOMES, THE FACILITY/AGENCY MUST POST ALL APPROVED APPEALS AND WAIVERS IN A PROMINENT AND CONSPICUOUS LOCATION EASILY OBSERVABLE BY THOSE ENTERING THE CHILD CARE FACILITY OR AGENCY. IF THE OFFICIAL DECISION LETTER IS CHILD-SPECIFIC, IT MUST BE KEPT IN THE AGENCY/FACILITY FILE AND PROVIDED FOR THE DEPARTMENT UPON REQUEST.

~~B. At all times during the operating hours of a family child care home, child care center, school-age child care center, or children's resident camp, the facility must post its most recent licensing inspection report or a notice as to where the report may be reviewed at the facility by the parent or legal guardian of a child or their designee.~~

C. ~~At all times during the operating hours of a family child care home, child care center, preschool, school-age child care center, children's resident camp And neighborhood youth organization, the facility must post in a prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado Department of Human Services, Division of Early Care and Learning, including the telephone number and mailing address. All 24-hour care~~ A~~a~~gencies and facilities providing out-of-home care and D~~d~~ay Treatment centers must post in A prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado Department of Human Services, Division of Child Welfare, including the telephone number and mailing address. For foster care homes and child placement agencies, information for filing a complaint must be made available upon request.

~~D. All facilities, except family child care homes must post in every room of the child care facility, excluding bedrooms and living areas, the license capacity of the room and the staff-to-child ratio required by regulation to be maintained for the age of children cared for in the room.~~

7.701.57 FISCAL MANAGEMENT

A. FACILITIES AND AGENCIES WITH LESS THAN $750,000 TOTAL ANNUAL REVENUE

1. EACH FACILITY OR AGENCY MUST DECLARE TO THE DEPARTMENT THE ANNUAL FISCAL YEAR USED FOR THE OPERATION OF THE FACILITY OR AGENCY.

2. A FACILITY OR AGENCY WITH LESS THAN $750,000 TOTAL ANNUAL EXPENDITURE MUST SUBMIT A COST REPORT ANNUALLY ON THE STATE-PRESCRIBED FORM WITHIN SIXTY (60) DAYS OF THE AGENCY'S OR FACILITY'S IDENTIFIED END OF THE FISCAL YEAR. ANY CHARITABLE ORGANIZATION REQUIRED BY STATUTE TO CONDUCT AN AUDITED FINANCIAL STATEMENT PREPARED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT (CPA) MUST SUBMIT THE AUDITED FINANCIAL STATEMENT TO THE DEPARTMENT.

3. THE COST REPORT SUBMITTED MUST CONTAIN AN AFFIDAVIT SIGNED BY THE FACILITY OR AGENCY'S EXECUTIVE DIRECTOR AND AN OFFICER OF ITS BOARD ATTESTING TO THE AUTHENTICITY OF THE INFORMATION. SUBMISSION OF FALSIFIED INFORMATION SHALL BE GROUNDS FOR SUSPENSION OF THE ~~RCCF~~ LICENSE.

B. FACILITIES OR AGENCIES WITH MORE THAN $750,000 TOTAL ANNUAL REVENUE

1. EACH FACILITY OR AGENCY MUST DECLARE TO THE DEPARTMENT THE ANNUAL FISCAL YEAR USED FOR THE OPERATION OF THE FACILITY OR AGENCY.

2. A FACILITY OR AGENCY WITH MORE THAN $750,000 TOTAL ANNUAL EXPENDITURE MUST SUBMIT A COST REPORT ANNUALLY ON THE STATE-PRESCRIBED FORM WITHIN SIXTY (60) DAYS OF THE AGENCY'S OR FACILITY'S IDENTIFIED END OF THE FISCAL YEAR.

3. THE COST REPORT SUBMITTED MUST CONTAIN AN AFFIDAVIT SIGNED BY THE FACILITY OR AGENCY'S EXECUTIVE DIRECTOR AND AN OFFICER OF ITS BOARD ATTESTING TO THE AUTHENTICITY OF THE INFORMATION. SUBMISSION OF FALSIFIED INFORMATION SHALL BE GROUNDS FOR SUSPENSION OF THE ~~RCCF~~ LICENSE.

4. EACH FACILITY OR AGENCY WHOSE TOTAL ANNUAL EXPENDITURES ARE $750,000 OR MORE MUST PROVIDE AN ANNUAL FINANCIAL REVIEW ~~AUDIT~~ BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH APPROPRIATE GENERALLY ACCEPTED AUDITING STANDARDS.

5. ANNUALLY, EVERY FACILITY OR AGENCY WHOSE ANNUAL EXPENDITURES ARE $750,000 OR MORE MUST SUBMIT A COPY OF ITS ~~AUDITED~~ FINANCIAL REVIEW ~~REPORT~~ TO THE DEPARTMENT. THE ~~AUDITED~~ FINANCIAL REVIEW ~~REPORT~~ MUST BE SUBMITTED TO THE DEPARTMENT WITHIN SIX (6) MONTHS OF THE FACILITY'S OR AGENCY'S FISCAL YEAR END.

6. THE ~~AUDITED~~ FINANCIAL REVIEW ~~REPORT~~ SUBMITTED MUST CONTAIN AN AFFIDAVIT SIGNED BY THE FACILITY'S OR AGENCY'S EXECUTIVE DIRECTOR AND AN OFFICER OF ITS BOARD ATTESTING TO THE AUTHENTICITY OF THE INFORMATION. SUBMISSION OF FALSIFIED INFORMATION SHALL BE GROUNDS FOR SUSPENSION OF THE FACILITY OR AGENCY LICENSE.

~~7. EACH FACILITY OR AGENCY MUST DECLARE TO THE DEPARTMENT THE ANNUAL FISCAL YEAR USED FOR THE OPERATION OF THE FACILITY OR AGENCY. THE AUDITED FINANCIAL REPORT MUST BE SUBMITTED TO THE DEPARTMENT WITHIN SIX (6) MONTHS OF THE FACILITY'S OR AGENCY'S FISCAL YEAR END.~~

7.701.6 CONFIDENTIALITY PRACTICES AND NECESSARY RECORDS AND THEIR RETENTION ~~Confidentiality of Records~~

7.701.61 Confidentiality Practices

A. The records concerning the licensing of facilities and agencies are open to the public except as provided below.

B. Anyone wishing to review a record OF A CHILD/YOUTH IN THE LEGAL CUSTODY OF THE STATE OF COLORADO must make a written request to the ~~State~~ Department.

C. The following documents are confidential and not available for review:

1. Information identifying children/YOUTH or their families;

2. Scholastic records, health reports, social REPORTS, or DOCUMENTATION COVERED UNDER THERAPEUTIC PRIVILEGE, SUCH AS PSYCHOTHERAPY NOTES, DRUG OR ALCOHOL TREATMENT RECORDS, AND MENTAL HEALTH RECORDS CONTAINING PROTECTED HEALTH INFORMATION ~~psychological reports~~. These are available only to the person to whom the records pertain or ~~his or her legal guardian~~ OTHERS AS PROVIDED BY LAW;

3. Personal references requested by the ~~State~~ Department; and

4. Reports and records received from other agencies, including police and child protection investigation reports.

D. THE FACILITY/AGENCY MUST HAVE A POLICY AS TO THE MAINTENANCE, STORAGE, AND CONFIDENTIALITY OF RECORDS. RECORDS STORED IN AN ELECTRONIC FORMAT MUST HAVE SAFEGUARDS AND CONTROLS FOR APPROPRIATE ACCESS TO THE RECORDS; HAVE A SECURE BACK-UP SYSTEM TO ENSURE RECORDS ARE NOT LOST; AND MUST BE ACCESSIBLE FOR REVIEW BY A REPRESENTATIVE OF THE DEPARTMENT AT ALL TIMES.

E. RECORDS ARE THE PROPERTY OF THE FACILITY/AGENCY AND MUST BE PROTECTED AGAINST LOSS, TAMPERING, OR UNAUTHORIZED USE. RECORDS REGARDING CRITICAL INCIDENTS AND CHILD ABUSE AND NEGLECT REPORTS MUST BE MAINTAINED FOR A MINIMUM OF FOUR (4) YEARS FROM THE DATE OF INCIDENT AND ACCESSED IN ACCORDANCE WITH ALL STATE AND FEDERAL CONFIDENTIALITY LAWS, INCLUDING HIPAA, AS INCORPORATED ABOVE. ACCESS MUST BE GIVEN TO THE DEPARTMENT UPON REQUEST FOR PURPOSES OF INVESTIGATIONS AND AUDITING AND IN ACCORDANCE WITH 42 C.F.R. PARTS 160 THROUGH 164, AS INCORPORATED BY REFERENCE ABOVE AND 42 C.F.R. PARTS 1 AND 2 (2024), WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS OR EDITIONS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE AT WWW.ECFR.GOV AND ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, PLACEMENT SERVICES DIVISION, 1575 SHERMAN STREET, DENVER, COLORADO 80202, DURING REGULAR BUSINESS HOURS.

F. IMAGES OF CHILDREN/YOUTH MUST BE KEPT CONFIDENTIAL IN ACCORDANCE WITH ALL APPLICABLE STATE AND FEDERAL CONFIDENTIALITY LAWS. EXCEPT FOR SURVEILLANCE CAMERAS INSTALLED IN COMMON AREAS OF THE FACILITY/AGENCY, STAFF MUST NOT TAKE PICTURES/IMAGES OR RECORDINGS OF CHILDREN/YOUTH. IF THE FACILITY/AGENCY UTILIZES SURVEILLANCE CAMERAS, IT MUST TAKE STEPS TO PREVENT THE UNAUTHORIZED DISCLOSURE OF ANY RECORDINGS AND APPROPRIATELY PROTECT THE IDENTITY OF CHILD/YOUTH IF THE RECORDING IS RELEASED, WITH THE EXCEPTION OF AUDITING AND/OR INVESTIGATIVE PURPOSES BY THE STATE AND COUNTY DEPARTMENTS OR BY COURT ORDER. DATA STORAGE FOR SURVEILLANCE CAMERA FOOTAGE SPECIFIC TO ANY CRITICAL INCIDENT REPORTS OR POLICE INVESTIGATIONS MUST BE KEPT AND STORED FOR A MINIMUM OF THREE (3) PRIOR CALENDAR YEARS PLUS THE CURRENT CALENDAR YEAR. THE ONLY EXCEPTIONS TO THE CONFIDENTIALITY FOR IMAGES OF YOUTH ARE:

1. FOR PROMOTIONAL MATERIALS, INCLUDING SOCIAL MEDIA, WHERE PARENTAL AND GUARDIAN(S) CONSENT AND CONSENT OF CHILDREN/YOUTH AGED TEN (10) AND OLDER HAS BEEN GIVEN; ~~AND~~

2. WHEN THE FACILITY/AGENCY IS REQUIRED TO HAVE A PHOTO OF THE CHILD/YOUTH ON FILE FOR PURPOSES OF NOTIFICATION TO LAW ENFORCEMENT OR OTHER LOCAL EMERGENCY SERVICE AGENCIES~~.~~; AND

3. WHEN THE FACILITY/AGENCY USES A CHILD'S/YOUTH'S PHOTO FOR INTERNAL PURPOSES ONLY.

G. FACTS LEARNED ABOUT CHILDREN/YOUTH AND THEIR FAMILIES MUST BE KEPT CONFIDENTIAL, WITH THE FOLLOWING EXCEPTIONS:

1. IN MEDICAL EMERGENCIES, AND THEN ONLY THE MINIMUM AMOUNT OF INFORMATION NECESSARY FOR MEDICAL PROFESSIONAL TO PROVIDE ASSISTANCE AND/OR EXPERTISE; OR

2. TO THE CHILD/YOUTH; THE CHILD/YOUTH'S PARENT(S) OR GUARDIAN(S) AND THEIR RESPECTIVE LEGAL COUNSEL(S); A COURT HAVING JURISDICTION OVER THE CHILD/YOUTH; OR LICENSING SPECIALIST ~~REPRESENTATIVE~~ IN PERFORMANCE OF THEIR MANDATED DUTIES; OR

3. IF THE PARENT(S) OR GUARDIAN(S) HAVE GIVEN VOLUNTARY, WRITTEN CONSENT; OR

4. FOR PURPOSES OF MANDATORY REPORTS OF ABUSE AND/OR NEGLECT TO THE STATE CHILD PROTECTION HOTLINE; OR

5. WHEN OTHERWISE REQUIRED TO PROVIDE THOSE FACTS PURSUANT TO LAW.

H. SCHOOL RECORDS MUST BE TRANSMITTED ACCORDING TO SECTION 22-32-138(3)(A), C.R.S. THROUGH SECTION 22-32-138(3)(D), C.R.S.; THE REHABILITATION ACT OF 1973 AT 29 U.S.C. SECTIONS 701 THROUGH 796L; AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AT SECTIONS 20 U.S.C. 1400 THROUGH 1482, AS INCORPORATED ABOVE, IF APPLICABLE.

I. MEDICAL RECORDS MUST BE KEPT IN A SECURE LOCATION AT THE FACILITY AND ONLY BE RELEASED IN ACCORDANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA), AS INCORPORATED ABOVE.

J. ANY INFORMATION CONCERNING OBSERVED BEHAVIOR WHICH REASONABLY APPEARS TO CONSTITUTE A CRIMINAL OFFENSE COMMITTED ON THE PREMISES OF A FACILITY OR ANY CRIMINAL OFFENSE COMMITTED AGAINST ANY PERSON WHILE PERFORMING OR RECEIVING SERVICES IS NOT CONSIDERED PRIVILEGED OR CONFIDENTIAL.

K. RESEARCH USING IDENTIFYING INFORMATION OF CHILDREN/YOUTH IS PERMITTED ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

1. THE PARENT/GUARDIAN OF THE CHILD/YOUTH HAS GIVEN WRITTEN PERMISSION TO CONDUCT RESEARCH ON A CHILD/YOUTH.

2. ANY RESEARCH BEING CONDUCTED ON A CHILD/YOUTH MUST HAVE PREVIOUSLY BEEN APPROVED BY AN INSTITUTIONAL REVIEW BOARD (IRB). AN INSTITUTIONAL REVIEW BOARD IS AN ADMINISTRATIVE BODY ESTABLISHED TO PROTECT THE RIGHTS AND WELFARE OF HUMAN RESEARCH SUBJECTS RECRUITED TO PARTICIPATE IN RESEARCH ACTIVITIES CONDUCTED UNDER THE AUSPICES OF THE INSTITUTION WITH WHICH THE IRB IS AFFILIATED.

3. ALL RESEARCHERS CONDUCTING CLINICAL RESEARCH ON A CHILD/YOUTH MUST SIGN AN OATH OF CONFIDENTIALITY.

4. ALL INFORMATION IDENTIFYING CHILDREN/YOUTH BY NAME, ADDRESS, TELEPHONE NUMBER, AND/OR SOCIAL SECURITY NUMBER COLLECTED FOR RESEARCH PURPOSES MUST NOT BE FURTHER DISCLOSED BY THE RESEARCHER WITHOUT PARENT/GUARDIAN CONSENT OR CONSENT OF THE CHILD/YOUTH IF THEY ARE OF AGE TO HOLD THE PRIVILEGE.

L. WHEN NAMES ARE REDACTED AND OTHER IDENTIFYING INFORMATION IS DISGUISED OR REDACTED, MATERIAL FROM CASE RECORDS MAY BE USED BY THE FACILITY/AGENCY FOR TEACHING PURPOSES; DEVELOPMENT OF THE FACILITY/AGENCY'S GOVERNING BODIES' UNDERSTANDING; KNOWLEDGE OF THE FACILITIES' SERVICES; OR SIMILAR EDUCATIONAL PURPOSES.

M. INFORMATION REGARDING TREATMENT FOR ALCOHOL OR DRUG ABUSE DISORDERS MAY BE RELEASED ONLY IN COMPLIANCE WITH THE FEDERAL REGULATIONS ON CONFIDENTIALITY OF SUBSTANCE USE DISORDER TREATMENT RECORDS, 42 C.F.R. PART 2 (2024), WHICH IS INCORPORATED ABOVE. ~~HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS OR EDITIONS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE AT WWW.ECFR.GOV AND ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, PLACEMENT SERVICES DIVISION, 1575 SHERMAN STREET, DENVER, COLORADO 80202, DURING REGULAR BUSINESS HOURS.~~

N. A FACILITY OR AGENCY MAY MAKE AVAILABLE INFORMATION IN THE CASE RECORD TO THE CHILD/YOUTH, THEIR PARENT(S), OR GUARDIAN(S) AND THEIR RESPECTIVE LEGAL COUNSEL INCLUDING THE CHILD'S/YOUTH'S GUARDIAN AD LITEM (GAL) AND/OR COUNSEL FOR YOUTH (CFY) IF THE INFORMATION BEING RELEASED DOES NOT CONTAIN MATERIAL WHICH VIOLATES THE RIGHT OF PRIVACY OF ANOTHER INDIVIDUAL AND/OR THAT MUST BE WITHHELD FROM RELEASE ACCORDING TO OTHER LAWS OR BY ORDER OF A COURT. IF IN THE PROFESSIONAL JUDGMENT OF THE ADMINISTRATION OF THE FACILITY, IT IS DETERMINED THAT INFORMATION CONTAINED IN THE RECORD WOULD BE DAMAGING TO A CHILD/YOUTH, THAT INFORMATION MAY

BE WITHHELD EXCEPT UNDER COURT ORDER. IN ORDER TO WITHHOLD THIS INFORMATION, THE FACILITY MUST DOCUMENT THE REASONS FOR WITHHOLDING IN THE CHILD'S/YOUTH'S FILE.

7.701.6~~5~~2 Maintenance and Confidentiality of Child/Youth Records

A. Each licensed child care facility OR AGENCY shall maintain records as required by the ~~State~~ Department pertaining to the admission, progress, health, and discharge of children/YOUTH in care at the facility.

1. These records shall be made available to the ~~state d~~Department upon request.

2. These records shall be maintained and stored in a confidential format.

3. All information regarding children/YOUTH and their families shall be kept confidential.

7.701.63 NECESSARY RECORDS

A. THE FACILITY MUST MAINTAIN AN ORGANIZED, LEGIBLE, CHRONOLOGICAL, CURRENT WRITTEN OR ELECTRONIC RECORD FOR EACH CHILD/YOUTH IN CARE AS REQUIRED FOR THE LICENSING OF THE FACILITY IN ACCORDANCE WITH THE RULES REGULATING THE FACILITY. THE RECORD MUST BE SEPARATED INTO DISCRETE SECTIONS ADDRESSING MEDICAL, EDUCATIONAL, CLINICAL, MILIEU, AND THERAPY.

B A RECORD OF ADMISSION/CASE FILE MUST BE COMPLETED FOR EACH CHILD/YOUTH IN CARE PRIOR TO OR AT THE TIME OF PLACEMENT. THE ADMISSION RECORD MUST BE ACCESSIBLE FOR REVIEW AT THE FACILITY WHERE THE CHILD/YOUTH RESIDES AND MUST CONTAIN:

1. CHILD'S/YOUTH'S LEGAL NAME; DATE, AND PLACE OF BIRTH (VERIFIED BY A BIRTH CERTIFICATE WHEN POSSIBLE); GENDER IDENTITY; RACE; RELIGIOUS PREFERENCES OF PARENT(S) OR CHILD/YOUTH; DATE AND REASON FOR PLACEMENT IN THE CURRENT LEVEL OF CARE.

2. CHILD'S/YOUTH'S ADDRESS AND TELEPHONE NUMBER, AND PARENT(S) OR GUARDIAN(S) ADDRESS AND TELEPHONE NUMBER IF DIFFERENT FROM THE CHILD/YOUTH.

3. NAME; ADDRESS: DAY AND AFTER-HOURS TELEPHONE NUMBER OF THE INDIVIDUAL OR AGENCY PLACING THE CHILD/YOUTH; THE NAME OF THE INDIVIDUAL ARRANGING THE PLACEMENT.

4. THE LEGAL CUSTODY STATUS OF THE CHILD/YOUTH AND ANY DOCUMENTS PERTAINING TO THE CHILD'S/YOUTH'S CUSTODY STATUS SUCH AS COURT ORDERS, INCLUDING THE APPOINTMENT OF A GUARDIAN AD LITEM, COUNSEL FOR YOUTH, LEGAL GUARDIANSHIP, CUSTODY AGREEMENTS, OR THE TERMINATION OF PARENTAL RIGHTS.

5. A COPY OF THE PLACEMENT AGREEMENT PURSUANT TO SECTION 7.714.21.~~G~~(B)(9).

6. HEALTH RECORDS INCLUDING A HEALTH HISTORY; CHRONIC MEDICAL PROBLEMS OF THE CHILD/YOUTH; ALLERGIES; ILLNESSES; SPECIAL DIETS THE CHILD/YOUTH HAS HAD DURING THE LAST SIX (6) MONTHS; AND A COMPLETE LIST OF ALL MEDICATIONS THE CHILD/YOUTH IS TAKING.

7. CURRENT MEDICAL ~~AND DENTAL~~ REPORTS; ACCIDENT, INJURY, OR ILLNESS REPORTS; AND A RECORD OF MEDICATION ADMINISTERED AND NECESSARY MEDICAL CARE PROVIDED TO THE CHILD/YOUTH WHILE IN PLACEMENT. PSYCHIATRIC AND PSYCHOLOGICAL REPORTS MUST BE OBTAINED AND PLACED IN THE CHILD/YOUTH'S FILE, WHEN AVAILABLE.

8. COPIES OF EDUCATIONAL RECORDS, INCLUDING ANY INDIVIDUALIZED EDUCATION PLAN (IEP) AND/OR 504 PLAN WHERE APPLICABLE. REPORTS OF SCHOOL WORK, INCLUDING SCHOLASTIC PERFORMANCE; ACCUMULATION OF HIGH SCHOOL CREDITS, IF APPLICABLE; CERTIFICATES OF ACHIEVEMENT OR AWARD; AND EXTRACURRICULAR INTERESTS.

9. THE INDIVIDUAL CHILD'S/YOUTH'S PLAN (ICP) AND FAMILY SERVICES PLAN (FSP) WHEN DEVELOPED, OR INDIVIDUALIZED TREATMENT PLAN (ITP) FOR COMMITTED YOUTH. A SUMMARY OF THE PERIODIC EVALUATIONS OF THE CHILD'S/YOUTH'S PROGRESS AND RESULTANT CHANGES IN THE ICP, FSP, OR ITP.

10. WRITTEN SUMMARIES OF SIGNIFICANT CONTACTS WITH PARENT(S), GUARDIAN(S), AND OTHER INVOLVED AGENCIES WHILE IN CARE.

11. PERSONS AUTHORIZED TO HAVE CONTACT WITH THE CHILD/YOUTH WHILE IN CARE AT THE FACILITY AND PERSONS NOT AUTHORIZED VIA FORMAL COURT ORDER TO HAVE CONTACT WITH THE CHILD/YOUTH WHILE IN CARE AT THE FACILITY.

12. COPIES OF ALL ASSESSMENTS USED TO DETERMINE ADMISSION TO THE FACILITY; DOCUMENTATION OF THE NEED FOR CONTINUED CARE IN THE FACILITY AND HOW TO DETERMINE THE APPROPRIATENESS OF DISCHARGE FROM THE FACILITY, INCLUDING DOCUMENTATION OF ALL ATTEMPTS TO GAIN COPIES OF RELEVANT ASSESSMENTS. THE ASSESSMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE STATE-APPROVED ~~CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS)~~ ASSESSMENT , AS COMPLETED BY THE INDEPENDENT ASSESSOR AND SUBSEQUENT ~~CANS~~ ASSESSMENT REVISIONS COMPLETED BY THE FACILITY; THE ~~CANS~~ ASSESSMENTS AS COMPLETED WHILE THE CHILD/YOUTH IS RECEIVING TREATMENT AND CARE WITHIN THE FACILITY; ANY PSYCHOLOGICAL OR PSYCHIATRIC ASSESSMENTS, OR ASSESSMENTS COMPLETED AT THE REQUEST OF THE CHILD'S/YOUTH'S TREATMENT TEAM OR AS ORDERED BY THE COURT.

7.701.64 RETENTION OF RECORDS

A. FACILITY RECORDS FOR CHILDREN/YOUTH MUST BE RETAINED FOR AT LEAST THREE (3) YEARS AT THE LICENSED LOCATION. FACILITY RECORDS CAN INCLUDE, BUT ARE NOT LIMITED TO: INTAKE DOCUMENTATION, DEMOGRAPHIC INFORMATION, EDUCATION INFORMATION, AND/OR SIGNED POLICIES AND PROCEDURES. FACILITIES MUST MAINTAIN A CHILD/YOUTH MENTAL HEALTH RECORD FOR SEVEN (7) YEARS AT THE LICENSED LOCATION. MENTAL HEALTH RECORDS CAN INCLUDE BUT ARE NOT LIMITED TO: TREATMENT PLANS OR INDIVIDUAL CHILD/YOUTH PLANS, DIAGNOSIS, MEDICATION PRESCRIPTIONS, THERAPY SESSIONS, CLINICAL TESTS, SYMPTOMS, PROGNOSIS, AND/OR SUBSTANCE USE EVALUATIONS. RETENTION OF RECORDS FOR A LONGER PERIOD MAY BE DESIRABLE WHEN THEY REFLECT AN ACCIDENT, INJURY, OR OTHER UNUSUAL CIRCUMSTANCE OR AS DETERMINED BY AGENCY/FACILITY POLICY.

B. THE FOLLOWING RECORDS MUST BE ON FILE AT THE FACILITY OR ADMINISTRATIVE OFFICE:

1. GOVERNING STRUCTURE, INCLUDING THE CHARTER, ARTICLES OF INCORPORATION, BY-LAWS, OR OTHER LEGAL BASIS FOR EXISTENCE.

2. INSURANCE COVERAGE; AND

3. ANNUAL FINANCIAL AUDIT OR FINANCIAL STATEMENTS.

C. THE FOLLOWING RECORDS MUST BE ON FILE AT THE LICENSED LOCATION:

1. CURRENT HEALTH DEPARTMENT INSPECTION REPORT SPECIFIC TO THE CHILD CARE LICENSE NUMBER;

2. CURRENT FIRE DEPARTMENT INSPECTION REPORT SPECIFIC TO THE CHILD CARE LICENSE NUMBER; AND

3. A LIST OF CURRENT STAFF MEMBERS, SUBSTITUTE STAFF MEMBERS, AND STAFFING PATTERNS, WHICH MUST INCLUDE ACTUAL SCHEDULES WORKED, FOR AT LEAST SIX (6) MONTHS PRIOR.

7.701.65 PERSONNEL RECORDS FOR DIRECT CARE STAFF

A. PERSONNEL RECORDS FOR ANY EMPLOYEE HAVING DIRECT CONTACT WITH CHILDREN/YOUTH MUST INCLUDE:

1. NAME, ADDRESS, BIRTH DATE;

2. DATE OF HIRE AND DATE AND REASON FOR SEPARATION;

3. OFFICIAL DOCUMENTS VERIFYING EDUCATION (E.G. TRANSCRIPTS, GED CERTIFICATE, HIGH SCHOOL DIPLOMA);

4. TRAINING AND WORK EXPERIENCE;

5. AT LEAST TWO (2) EMPLOYMENT REFERENCES;

6. CURRENT HEALTH EVALUATION OR PHYSICAL STATING FITNESS FOR WORK PRIOR TO THE START DATE;

7. A WRITTEN INDICATION OF AWARENESS OF AGENCY POLICIES; AND

8. ALL REQUIRED BACKGROUND CHECKS.

~~B. CURRENT HEALTH EVALUATIONS MUST HAVE BEEN PERFORMED BY A LICENSED HEALTH CARE PROVIDER AND SHALL VERIFY THAT THE EMPLOYEE SUFFERS FROM NO ILLNESS OR COMMUNICABLE DISEASE THAT MAY ADVERSELY AFFECT CHILDREN/YOUTH IN CARE. A STATEMENT SIGNED BY THE PRACTITIONER OR NURSE PRACTITIONER MUST BE SUBMITTED TO THE FACILITY/AGENCY AND RETAINED IN THE PERSONNEL FILES. SUBSEQUENT STATEMENTS MUST BE SUBMITTED ANNUALLY AND AS REQUIRED IN A WRITTEN PLAN SIGNED BY THE PHYSICIAN.~~

~~C~~B. RECORDS FOR PERSONNEL MUST BE OBTAINED PRIOR TO THE START DATE FOR THE EMPLOYEE AND RETAINED FOR AT LEAST THREE (3) YEARS AFTER SEPARATION. RECORDS MUST BE IMMEDIATELY ACCESSIBLE TO THE DEPARTMENT UPON REQUEST.

7.701.7 Parental Accessibility

A. During hours of operation, a facility must allow access to parents and guardians AND CUSTODIANS having legal custody of a child/YOUTH in care to those areas of the facility that are licensed for child care. PARENTS, LEGAL GUARDIANS, AND CUSTODIANS MAY BE GIVEN ACCESS TO THE FACILITY WHEN IN THE BEST INTEREST OF THE CHILD/YOUTH AND APPROVED BY THE MULTIDISCIPLINARY TEAM (MDT) WHEN A COURT IS NOT INVOLVED. IF A COURT IS INVOLVED AND THERE IS A VALID COURT ORDER REGARDING CHILD/YOUTH CONTACT WITH THEIR PARENTS, LEGAL GUARDIANS, OR CUSTODIANS THAT COURT ORDER WILL CONTROL FACILITY ACCESS. DECISIONS REGARDING PARENT, LEGAL GUARDIAN, AND CUSTODIAN ACCESS TO THE FACILITY MUST BE DONE IN COLLABORATION WITH THE MDT AND ON A SCHEDULED BASIS.

B. During the hours of operation, the Facility's most recent licensing, fire department, and health department inspection reports must be accessible to parents and legal guardians of children/YOUTH in care or their designee and to parents and legal guardians considering placing their children/YOUTH in care at the facility.

C. A facility does not violate this section when it restricts access by a parent, guardian, or their designee to a child/YOUTH during an emergency as instructed by local authorities.

7.701.8 Perjury Statement - Application Forms for Employment with a Child Care Provider

Every application used in the State of Colorado for employment with a child care provider, AGENCY, or facility, or for the certification of a foster home, must 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."

7.701.9 General Health Rules

7.701.91 Smoking and Tobacco Products

A. ~~Pursuant to Sections 26-6-106(2)(e), C.R.S., 25-14-103.5, C.R.S., and 18-13-121, C.R.S.~~, T~~t~~obacco and nicotine products are prohibited by law from use in and around licensed child care facilities ~~OR AGENCIES~~, AS IDENTIFIED IN SECTION 25-14-103.5, C.R.S.

~~A.~~B. Smoking and tobacco product use is prohibited at all times while transporting children/YOUTH ~~on field trips and excursions~~.

~~B.~~C. Smoking and tobacco product use is ~~not~~ prohibited inSIDE THE FOSTER HOMES WHEN CHILDREN/ YOUTH ARE IN PLACEMENT.~~family child care homes during non-business hours.~~

~~C.~~1 Foster parents are exempt from this rule when no children/YOUTH are in placement.

D. A PERSON SHALL NOT GIVE, SELL, DISTRIBUTE, DISPENSE, OR OFFER FOR SALE A CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT TO ANY PERSON WHO IS UNDER TWENTY-ONE (21) YEARS OF AGE, AS IDENTIFIED IN SECTION 18-13-121(1)(a), C.R.S.

7.701.92 THE USE OF RESTRICTIVE DEVICES

A. THE USE OF RESTRICTIVE DEVICES, INCLUDING, BUT NOT LIMITED TO, THE USE OF HANDCUFFS, SHACKLES, STRAIGHT JACKETS, POSEY VESTS, ANKLE AND WRIST RESTRAINTS, CRAIG BEDS, VAIL BEDS, OR ANY OTHER RESTRICTIVE BEDS, HOSPITAL CRIBS, AND CHEST RESTRAINTS IS PROHIBITED.

B. CHILDREN/YOUTH MAY ONLY BE RESTRAINED WHEN AUTHORIZED BY APPLICABLE FEDERAL AND STATE LAW ~~STATUTE~~. IN ORDER TO BE APPROVED TO UTILIZE A RESTRICTIVE DEVICE OF ANY KIND, THE FACILITY/AGENCY MUST SUBMIT AN APPEAL IN ACCORDANCE WITH SECTION 7.701.13 OR RECEIVE PRIOR APPROVAL FROM THE BEHAVIORAL HEALTH ADMINISTRATION (BHA). BHA APPROVAL APPLIES SOLELY TO THOSE ENTITIES SUPERVISED OR LICENSED BY THE BHA.

~~**7.701.100 Emergency and Disaster Preparedness for Child Care Centers, Family Child Care Homes, School-Age Programs, and Children's Resident Camps**~~

~~A. Prior to caring for children, all staff must complete a State Department-approved training in emergency and disaster preparedness. For seasonal children's resident camp programs, operating no more than 90 days per calendar year, at least one on site director must be trained in the State Department approved training.~~

~~B. Evacuation, Shelter in Place, Lockdown, and Active Shooter on Premises Plans for Children in Care~~

~~All child care providers must have a written plan for: evacuating and safely moving children to an alternate site; lockdown; shelter in place; and an active shooter on premises. The plan must include provisions for multiple types of hazards, such as floods, fires, tornadoes, and active shooter situations. All employees of a child care provider must also be trained on the provider's written plan prior to caring for children.~~

~~1. "Lockdown drill" means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.~~

~~2. "Shelter-in-place drill" means a drill in which the occupants of a building seek shelter in the building from an external threat.~~

~~3. "Active shooter on premises drill" means a drill to address an individual actively engaged in killing or attempting to kill people in a confined space or other populated area~~

~~C. Reuniting Families after an Emergency or Disaster~~

~~All child care providers must have a written plan for emergency notification of parents and reunification of families following an emergency or disaster.~~

~~D. Children with Disabilities and Those with Access and Functional Needs~~

~~All child care providers must have a written plan that accounts for children with disabilities as defined in 42 U.S.C. Section 12102 and those with access and functional needs as defined in the State Emergency Operations Plan (2019) The (SEOP). The state SEOP is hereby incorporated by reference. No later editions or amendments are incorporated. The SEOP is available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8TH floor, Denver, Colorado, during regular business hours. The SEOP is also available for no cost from the Colorado Division of Homeland Security & Emergency Management at HTTPS://WWW.COLORADO.GOV/PACIFIC/DHSEM/STATE-EOP. The plan must include a specific requirement indicating how all children with special needs will be included in the emergency plan.~~

~~E. Continuity of Operations after a Disaster~~

~~1. All child care providers must have a written plan for continuity of operations in the aftermath of an emergency or disaster. Components of the plan must include~~

~~A. Responsibility for essential staffing needs and predetermined roles during and after the emergency or disaster;~~

~~B. Procedure for backing up or retrieving staff and children's files; and~~

~~C. Procedure for protecting confidential and financial records.~~

~~2. During an emergency or other significant, unexpected event, a child care facility may request an emergency waiver to move to a temporary location or exceed capacity, on a temporary basis, to accept children and families from affected areas.~~

~~F. Fire, Natural Disaster, and Emergency Drills~~

~~1. Each staff member of the facility must be trained in fire safety and the use of available fire extinguishers and fire alarms.~~

~~2. Emergency drills, lockdown and active shooter on premises drills must be held at least quarterly but often enough so that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills must be held monthly and be consistent with local fire department procedures. Tornado drills must be held monthly from March to October. A record of all emergency drills held over the past twelve (12) months must be maintained by the facility or center, including date and time of drill, number of adults and children participating, and the amount of time taken to evacuate.~~

~~3. Drills must be held at unexpected times and under varying conditions to simulate the conditions of an actual fire or other emergency event.~~

~~4. Drills must emphasize orderly evacuation under proper discipline rather than speed. No running should be permitted.~~

~~5. Drills must include suitable procedures for ensuring that all persons in the building, or all persons subject to the drill, actually participate.~~

~~6. Fire alarm equipment must be used regularly in the conduct of fire exit drills. Hand bells or other alarm emanating devices may be used in lieu of fire alarm equipment if use of fire alarm equipment is not feasible including, but not limited to, facilities operating in buildings where multiple unrelated tenants share a common fire alarm system.~~

~~7. If appropriate to the location of the facility, forest fire, and/or flood drills must be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. A record of drills held over the past twelve (12) months must be maintained by the facility.~~

~~8. For children's resident camps, at least one fire drill must be held within twenty-four (24) hours of the commencement of each camp session. The dates of the fire drills must be recorded in the camp office.~~

~~9. There must be a carbon monoxide detector installed in the area of the child care facility as recommended by the manufacturer and in the area where children and youth sleep.~~

7.701.200 The Reasonable and Prudent Parent Standard Requirements for Facilities Providing Twenty-Four (24) Hour Out-Of-Home Care to Approve Activities for a Child or Youth in Foster Care

"REASONABLE AND PRUDENT PARENT STANDARD" AS DEFINED IN 12 CCR 2509-1 ~~AT~~ SECTION 7.000.2, MEANS CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE HEALTH, SAFETY, AND BEST INTERESTS OF THE CHILD OR YOUTH WHILE ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD OR YOUTH THAT A PROVIDER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD OR YOUTH IN FOSTER CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL, AND SOCIAL ACTIVITIES BASED UP ON THE CRITERIA IN SECTION 7.701.200.

Children and youth in foster care are entitled to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities THAT ARE DETERMINED ON AN INDIVIDUAL BASIS AND INCLUDE THE CHILD'S/YOUTH'S INPUT. ~~as part of their well-being needs~~. SUCH ACTIVITIES PROVIDE OPPORTUNITIES FOR BRAIN DEVELOPMENT, NORMALCY, INCLUSION, SOCIAL INTERACTION, SOCIAL CAPITAL, PERMANENCY OPTIONS, AND PERMANENT CONNECTIONS. Providers must use a "reasonable and prudent parent standard" when determining whether to allow a child or youth in foster care~~, under the responsibility of the county or in non-secure residential settings under the Division of Youth Services (DYS),~~ to participate in such activities following the criteria ~~in both A. and B.~~ below:

~~A. For an activity to be approved consistent with the reasonable and prudent parent standard, the activity must:~~

~~1. Maintain the health, safety, and best interests of each child or youth;~~

~~2. Encourage his/her emotional and developmental growth;~~

~~3. Be age or developmentally appropriate; and,~~

~~4. Be otherwise appropriate for the provider to approve.~~

A~~B~~. When applying the reasonable and prudent parent standard and prior to approval of the activity, the provider must take reasonable steps to obtain or determine:

1. Adequate information about the child or youth, including the CHILD'S/youth's particular religious, SPIRITUAL, cultural, social, or behavioral ~~attributes~~ PRACTICES and preferences;

2. ~~Behavioral and/or mental health stability of the child or youth;~~ ANY CURRENT SAFETY CONCERNS FOR THE CHILD/YOUTH AS RELATED TO THE ACTIVITY;

3. ~~The age or developmental appropriateness of the activity~~THE AGE AND THE DEVELOPMENTAL MATURITY OF THE CHILD/YOUTH TO ENGAGE IN THE ACTIVITY; and,

4. ~~Whether the risk of reasonably foreseeable harm involved in the activity is at an acceptable level~~ AN ASSESSMENT OF THE CHILD'S/YOUTH'S ABILITIES IN REFERENCE TO THE POTENTIAL RISKS OF THE ACTIVITY.

B. PROVIDERS AND COUNTIES MUST CONSIDER AND WORK TO APPROVE PRIVILEGES AND ACTIVITIES APPROPRIATE AND IN ALIGNMENT WITH THE CHILD'S/YOUTH'S AGE, DEVELOPMENTAL LEVEL, AND OVERALL ASSESSED READINESS FOR INCREASED INDEPENDENCE AND AUTONOMY. PROVIDERS AND COUNTIES MUST MAKE EVERY ATTEMPT TO ENSURE CHILDREN/YOUTH IN THEIR CARE ARE AFFORDED THE SAME OPPORTUNITIES FOR INDEPENDENCE AND AUTONOMY AS THEIR PEERS WITHIN THE CONFINES OF PERSONAL AND COMMUNITY SAFETY.

C. WHEN APPROPRIATE AND NOT OTHERWISE IMPACTED BY LEGAL REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, PROBATION, THE LEVEL OF SUPERVISION FOR INDIVIDUALIZED ACTIVITIES AND PRIVILEGES THAT IS REQUIRED SHALL BE BASED ON THE CHILD'S/YOUTH'S INDIVIDUALLY ASSESSED LEVEL OF NEED AS INFORMED BY THE CHILD'S/YOUTH'S AGE, DEVELOPMENTAL LEVEL, AND OVERALL DEMONSTRATION OF SAFETY AND STABILITY.

D. OUT OF HOME PLACEMENT ALONE IS NOT A REASON FOR A CHILD/YOUTH TO BE DENIED PARTICIPATION IN ACTIVITIES.

~~C~~E. The county department of human/social services or licensed child placement agency STAFF THAT ARE RESPONSIBLE FOR DIRECT OVERSIGHT OF FOSTER HOMES OR PLACEMENT OF CHILDREN/YOUTH must complete the same state training in applying the reasonable and prudent parent standard AT LEAST EVERY FIVE (5) YEARS.

~~D~~F. At least one (1) ~~trained~~ staff MEMBER or administrator in ~~a~~ EACH specialized group facility or Residential Child Care Facility (RCCF) must HAVE COMPLETED THE REASONABLE AND PRUDENT PARENT STANDARD TRAINING. THE STAFF WITH THE REASONABLE AND PRUDENT PARENT STANDARD TRAINING SHALL be designated as authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child or youth in extracurricular, enrichment, cultural, or social activities.

~~E~~G. The rationale used to authorize an activity for a child or youth must be clearly documented in the facility records and provided in a timely manner to the PLACING ENTITY ~~county department of human or social services or DYS using the approved written reporting format~~.

1. The facility must ~~consult with and~~ obtain AND COMPLY WITH a current copy of the policy from the responsible PLACING ENTITY ~~county department of human or social services or DYS~~ regarding activities that are considered appropriate for the facility to approve. IF THERE IS A CONFLICT BETWEEN PLACING ENTITY POLICIES, THEN THE FACILITY SHALL CONSULT WITH THE PLACING ENTITIES.

   A. APPROPRIATE ACTIVITIES CONSIDERED FOR CHILDREN/YOUTH TO PARTICIPATE IN MAY INCLUDE, BUT ARE NOT LIMITED TO, SCHOOL ACTIVITIES, COMMUNITY-PROVIDED ACTIVITIES, AND SOCIAL ACTIVITIES INCLUDING SPORTS, RECREATION, FIELD TRIPS, BIRTHDAY PARTIES, SLEEPOVERS, AND OVERNIGHT ACTIVITIES LASTING ONE (1) OR MORE DAYS.

   B. The responsible county department of human/social services or DYS may restrict certain activities based upon the documented exceptional needs and circumstances of a child or youth in foster care, which impactS ~~his/her~~ THEIR IDENTIFIED~~unique~~ safety needs.

2. The wishes of the parents/legal custodian must be considered, including ~~cultural implications, whenever practical~~ CULTURAL AND RELIGIOUS IMPLICATIONS THAT ARE NOT IN CONFLICT WITH IDENTIFIED SAFETY NEEDS.

3. CAREGIVERS ARE ENCOURAGED TO APPROVE ACTIVITIES REQUESTED BY THE CHILD/YOUTH, AS OUTLINED IN SECTIONS 7.701.200.A AND 7.701.200.B, UNLESS THERE IS A LIKELIHOOD OF MODERATE TO SEVERE HARM. IF A CAREGIVER CAN DEFINE HOW A REQUESTED ACTIVITY WOULD PUT THE CHILD/YOUTH AT RISK FOR MODERATE TO SEVERE HARM, THE CAREGIVER MUST REQUEST A MEETING WITH THE MULTIDISCIPLINARY TEAM TO REVIEW THE REQUEST.

~~3~~4. The facility may consult with the responsible agency for guidance about individual cases.

~~F~~H. Providers must not incur liability to the ~~State~~ Department or to the county department of human/social services because of an extracurricular, enrichment, cultural, or social activity approved by the provider if the provider demonstrates compliance with the reasonable and prudent parent standard AND HAS MADE AN INFORMED JUDGMENT DEMONSTRATED THROUGH DOCUMENTATION. In a child welfare investigation arising out of such an activity approved by the provider, the facility must not be founded for institutional neglect if the provider demonstrates compliance with the reasonable and prudent parent standard.

7.701.300 Cultural Responsiveness For Residential Child Care Facilities, Specialized Group Facilities, Homeless Youth Shelters, Child Placement Agencies, Day Treatment Centers, Foster Care Homes, and Secure Residential Treatment Centers.

A. All policies and procedures must reflect culturally responsive operations, and a specific policy must be developed to ensure that the provider will implement and practice culturally responsive programming THAT ACKNOWLEDGES, RESPECTS, AND INTEGRATES THE CHILD'S/YOUTH'S/FAMILY'S CULTURAL VALUES, BELIEFS, AND PRACTICES.

B. All staff members, interns, and foster parents must complete four (4) hours of initial training in cultural responsiveness and two (2) hours annually thereafter. Volunteers that work directly with youth two (2) or more times in a twelve (12) month period must complete four (4) hours of initial training in cultural responsiveness and two (2) hours annually thereafter. Members of THE governing body must complete two (2) hours of annual training in cultural responsiveness. Members of the board of directors must be given training in the agency's or facility's cultural responsiveness policies and procedures at the time they are appointed to the board of directors.

C. Assessments of CHILDREN/youth and families must identify cultural factors, and services ~~must be responsive to the unique cultural needs of youth and families, as identified in the assessments~~ MUST BE IN ALIGNMENT WITH CULTURAL VALUES ASSESSED AND PRESENTED BY THE CHILD/YOUTH AND/OR FAMILY OF ORIGIN.

7.701.350 CULTURAL COMPETENCE PLAN FOR AGENCIES AND FACILITIES

FACILITIES AND AGENCIES MUST:

A. DEVELOP AND IMPLEMENT POLICIES THAT PROMOTE EQUITABLE ACCESS TO TREATMENT AND RESOURCES FOR CHILDREN/YOUTH OF ALL BACKGROUNDS, ENSURING NON-DISCRIMINATION BASED ON RACE, ETHNICITY, SEX, SEX ASSIGNED AT BIRTH, GENDER IDENTITY, SEXUAL ORIENTATION, RELIGION, ABILITY LEVEL, OR ANY OTHER PROTECTED CHARACTERISTIC.

B. IMPLEMENT A ZERO-TOLERANCE POLICY FOR ANY FORM OF DISCRIMINATION OR HARASSMENT WITHIN A LICENSED PROGRAM WITH CLEAR REPORTING MECHANISMS AND FOLLOW-UP.

C. REGULARLY ASSESS CLINICAL INTERVENTIONS AND PRACTICES TO IDENTIFY AND RESOLVE ANY DISPARITIES RELATED TO CULTURAL COMPETENCE.

D. PROVIDE TWO (2) HOURS OF INITIAL TRAINING ON CULTURAL COMPETENCE PRINCIPLES AND HOW THESE PRINCIPLES APPLY TO THE LICENSED PROVIDER'S PRACTICES.

7.701.400 Trauma-Informed Care For Residential Child Care Facilities, Specialized Group Facilities, Homeless Youth Shelters, Child Placement Agencies, Day Treatment Centers, Foster Care Homes, and Secure Residential Treatment Centers.

A. All policies and procedures must be trauma-informed, and a specific policy must be developed to ensure that the provider will implement and practice trauma-informed care and services~~.~~ TO INCLUDE, AT A MINIMUM, THE FOLLOWING:

1. A SAFE AND SUPPORTIVE ENVIRONMENT;

2. COLLABORATION, MUTUALITY, AND TRANSPARENCY BETWEEN PROVIDER, INTERESTED PARTIES, AND FAMILY;

3. FAMILY AND CHILD/YOUTH EMPOWERMENT, INPUT, AND CHOICE IN THE TREATMENT PROCESS; AND

4. INDIVIDUALIZED FAMILY SERVICE PLANS, CLINICAL INTERVENTIONS, CRISIS INTERVENTION PROTOCOLS, AND TRANSITION AND AFTERCARE PLANNING.

B. All staff members, interns, and foster parents must complete four (4) hours of initial training in trauma-informed care and two (2) hours annually thereafter. Volunteers that work directly with youth two (2)

or more times in a twelve (12) month period must complete four (4) hours of initial training in trauma-informed care and two (2) hours annually thereafter. Members of the governing body must complete two (2) hours of annual training in trauma-informed care. Members of the board of directors must be given training in the agency's or facility's trauma-informed care policies and procedures at the time they are appointed to the board of directors.

C. Assessments of CHILDREN/youth and families must screen for a history of traumatic experiences and associated needs, and services must be responsive to the needs of CHILDREN/youth and families, as identified in the assessments.

D. ALL LICENSED AGENCIES AND FACILITIES MUST HAVE A TRAUMA-INFORMED TREATMENT MODEL IN ALIGNMENT WITH THE STANDARDS SET FORTH BY THE DEPARTMENT.

1. THE TRAUMA-INFORMED TREATMENT MODEL MUST BE IMPLEMENTED AS APPROVED BY THE DEPARTMENT.

2. ANY SUBSTANTIVE CHANGES TO THE TRAUMA-INFORMED TREATMENT MODEL MUST BE SUBMITTED AND APPROVED BY THE DEPARTMENT PRIOR TO IMPLEMENTATION AND AT THE TIME OF RENEWAL AT LEAST ONE HUNDRED TWENTY (120) DAYS AND NO LATER THAN SIXTY (60) DAYS PRIOR TO THE DATE OF THE EXPIRATION OF THE LICENSE.

3. THE AGENCY/FACILITY MUST IMPLEMENT AND ADHERE TO THEIR TRAUMA-INFORMED TREATMENT MODEL.

4. THE AGENCY/FACILITY MUST DEVELOP POLICIES AND PROCEDURES AND TRAIN ALL STAFF WITHIN ONE HUNDRED TWENTY (120) DAYS OF HIRE AND ANNUALLY FOR THE POPULATION SERVED AND THE AGENCY'S/FACILITY'S TRAUMA-INFORMED MODEL.

7.701.450 QUALITY IMPROVEMENT PRACTICES FOR AGENCIES AND FACILITIES

A. PROVIDERS MUST DEVELOP QUALITY IMPROVEMENT POLICIES AND PROCEDURES AND ESTABLISH A QUALITY IMPROVEMENT COMMITTEE THAT MEETS AT LEAST QUARTERLY.

B. PROVIDERS MUST IMPLEMENT QUALITY IMPROVEMENT PRACTICES THAT ASSESS THOSE OPERATIONS, ACTIVITIES, INTERVENTIONS, AND PRACTICES TO IDENTIFY AND RESOLVE PROBLEMS AND BARRIERS THAT IMPACT POSITIVE TREATMENT OUTCOMES.

C. PROVIDERS MUST DOCUMENT THE QUALITY IMPROVEMENT PROCESS, INDICATORS, MEASURES, OUTCOMES, AND REVISIONS TO IMPROVE PROGRAMMING. THIS DOCUMENTATION MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

7.701.500 Trails Data Entry For Residential Child Care Facilities, Homeless Youth Shelters, Child Placement Agencies, Day Treatment Centers, and Secure Residential Treatment Centers

A. Each facility or agency must apply to the ~~State~~ Department for permission to access the Trails system, to complete all functions assigned to their facility type.

1. Each facility or agency must have at least two (2) employees assigned to access the Trails system to enter critical incident reports as listed at SECTION 7.701.52.

2. Child placement agencies must have at least two (2) employees assigned to access the Trails system to enter original and renewal foster care certificates.

3. Child placement agencies must have one (1) employee assigned to access the Trails system to review any child abuse and neglect history for foster care applicants, adoptive applicants, and other adults residing in the home.~~s~~

B. The child placement employee who accesses the Trails system to review any child abuse and neglect history cannot also access the Trails system for critical incident reporting or entering foster care certificates.

C. Each facility or agency must submit to the ~~State~~ Department the prescribed form to delete access for persons who are no longer employed WITHIN TEN (10) WORKING DAYS OF THEIR DEPARTURE FROM

THE AGENCY OR FACILITY~~,~~ or IMMEDIATELY for employees whose access to Trails has been restricted by their employer or by the ~~State~~ Department.

D. ALL PERSONS ACCESSING THE TRAILS SYSTEM MUST ADHERE TO ALL GUIDELINES IDENTIFIED ON THE APPLICATION AND ENSURE THAT ALL INFORMATION ADDED INTO TRAILS IS TRUE AND ACCURATE, IN ACCORDANCE WITH ~~§~~ SECTIONS 18-8-114(1)(a), C.R.S. AND ~~§~~ 26-6-914(2)(G), C.R.S.

7.705 RULES REGULATING RESIDENTIAL CHILD CARE FACILITIES ~~[Rev. eff. 6/1/12]~~

All Residential Child Care Facilities must comply with the "General Rules for Child Care Facilities" found in Sections 7.701 THROUGH 7.701.500~~, et seq.~~, and the ~~24-Hour Quality Standards~~ QUALITY STANDARDS FOR TWENTY-FOUR (24)-HOUR CARE FOR CHILDREN AND YOUTH FOUND at SectionS 7.714 THROUGH 7.714.92~~.~~, ~~ET SEQ.~~, THE RULES REGULATING SPECIAL ACTIVITIES FOUND AT SECTIONS 7.719 THROUGH 7.719.8~~, ET SEQ.~~, AND THE RULES AND REGULATIONS GOVERNING THE HEALTH AND SANITATION OF CHILD CARE FACILITIES IN THE STATE OF COLORADO FOUND AT 6 CCR 1010-7 (2025), WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THE RULES CAN BE FOUND AT https://www.sos.state.co.us/CCR/NumericalDeptList.do. COPIES ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING BY CONTACTING THE DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS, OR ANY OTHER STATE PUBLICATIONS LIBRARY DURING REGULAR BUSINESS HOURS.

IN ACCORDANCE WITH SECTION 26-6-903, C.R.S., a "residential child care facility (RCCF)" MEANS A FACILITY LICENSED BY THE STATE DEPARTMENT PURSUANT TO ~~THIS~~ PART 9 OF ARTICLE 6 OF TITLE 26 TO PROVIDE TWENTY-FOUR (24) HOUR GROUP CARE AND TREATMENT FOR FIVE (5) OR MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102(2), C.R.S.; SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES AS DEFINED IN SECTION 25.5-5.4-103(19.5), C.R.S. A RESIDENTIAL CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE FACILITY MUST BE:

A. FIVE (5) YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN (18) YEARS OF AGE; OR

B. LESS THAN TWENTY-ONE (21) YEARS OF AGE AND PLACED BY COURT ORDER OR VOLUNTARY PLACEMENT; OR

C. ACCOMPANIED BY A PARENT IF LESS THAN FIVE (5) YEARS OF AGE.

~~shall provide twenty-four (24) hour residential group care and treatment for five or more children, between the ages of three (3) and sixteen (16) years old and for children from sixteen (16) eighteen; years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth birthday. A residential child care facility shall offer opportunities for a variety of services that can be used selectively in accordance with an individual plan for each child. A residential child care facility is operated under private, public or nonprofit sponsorship.~~

~~**7.705.1 DEFINITIONS [Rev. eff. 1/1/12]**~~

~~"Colorado Client Assessment Record (CCAR)" is a clinical instrument designed to assess the behavioral and mental health status of a medically eligible client. The CCAR is used to identify current diagnosis and clinical issues facing the client, to measure progress during treatment, and to determine mental health medical necessity. This instrument is used for children in the custody of a county department of human/social services or Division of Youth Corrections and for those children receiving mental health services in through the Child Mental Health Treatment Act.~~

~~"Licensed professional person" means the person responsible for determining medical necessity of the therapy services provided to child(ren) in care, on a monthly basis. Mental health services must be provided by either a licensed professional person or an individual who is in the process of obtaining a license and is being supervised by a licensed professional person.~~

~~"Medical necessity" means that a covered service shall be deemed a medical necessity or medically necessary if, in~~

~~a manner consistent with accepted standards of medical practice, it:~~

~~A. Is found to be an equally effective treatment among other less conservative or more costly treatment options; and,~~

~~B. Meets at least one of the following criteria:~~

~~1. The service will, or is reasonably expected to prevent or diagnose the onset of an illness, condition, primary disability, or secondary disability.~~

~~2. The service will or is reasonably expected to cure, correct, reduce or ameliorate the physical, mental, cognitive or developmental effects of an illness, injury, or disability.~~

~~3. The service will or is reasonably expected to reduce or ameliorate the pain or suffering caused by an illness, injury, or disability.~~

~~4. The service will or is reasonably expected to assist the individual to achieve or maintain maximum functional capacity in performing activities of daily living.~~

~~"Mental health services" means beneficial activities, which aim to overcome issues involving emotional disturbance of maladaptive behavior adversely affecting socialization, learning, or development. These include and are limited to individual, group, family therapy, evaluation services, and medication management.~~

~~"Multi-disciplinary team" (MDT) means a group comprised of at least one licensed professional person and other staff responsible for the treatment of the child, and may include a staff member from the referral agency.~~

~~"Referral agency" means the Division of Youth Corrections, county department of human/social services who has custody of a child, or a mental health agency (behavioral health care organization or community mental health center) that refers the child to the RCCF for the purpose of placement through the child Mental Health Treatment Act.~~

7.705.11 Governing Body ~~[Rev. eff. 11/1/98]~~

A. The governing body is the individual, partnership, corporation, or association in whom the ultimate authority and legal responsibility is vested for the conduct of the residential child care facility (RCCF).

B. When the governing body does not include a board of directors, there ~~shall~~ MUST be an advisory committee of at least two (2) other individuals who act in an advisory capacity to the governing body. The names of the BOARD OF DIRECTORS OR advisory committee members ~~shall~~ MUST be disclosed to the D~~d~~epartment. The BOARD OF DIRECTORS OR advisory committee ~~shall~~ MUST meet at regularly stated intervals AND MUST PROVIDE A WRITTEN PERFORMANCE EVALUATION OF THE ADMINISTRATOR ON AN ANNUAL BASIS. THE PERFORMANCE EVALUATION MUST BE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

C. The MEETING minutes of the advisory committee or the board of directors ~~shall~~ MUST be maintained IN ACCORDANCE WITH A RECORD RETENTION POLICY. AT MINIMUM, The minutes FOR THE PRECEDING THREE (3) YEARS ~~shall~~ MUST be available to the department upon request~~, except that the minutes containing confidential personnel information need not be shared with the department~~.

D. The functions of the governing body ~~shall~~ MUST include:

1. The appointment of an administrator who ~~shall be~~ IS responsible, according to established performance criteria, to the governing body and ~~shall delegate~~ DELEGATION to ~~him/her~~ THE ADMINISTRATOR OF executive authority and responsibility for the administration of the RESIDENTIAL child care facility according to its defined purpose.

2. The formulation and - AT A MINIMUM - regularly-planned review of policies and procedures to be followed by the facility EVERY TWO (2) YEARS, OR AS NEEDED.

3. The provision of necessary facilities, adequate financing, qualified personnel, services, and program functions for the welfare and safety of children/YOUTH in accordance with these ~~standards~~ RULES.

4. ENSURING THE AGENCY'S ADMINISTRATOR, CHIEF FINANCIAL OFFICER, EXECUTIVE DIRECTOR, AND OTHER OFFICERS OR EMPLOYEES WITH DIRECT RESPONSIBILITY FOR FINANCIAL TRANSACTIONS OR FINANCIAL RESPONSIBILITY ARE BONDED.

5. ENSURING THE FACILITY/AGENCY MAINTAINS AN AVERAGE SUFFICIENT CASH RESERVE OR LIQUID ASSETS TO MEET ITS OPERATING EXPENSES FOR TWO (2) MONTHS, TAKING INTO ACCOUNT THE AGENCY'S PROJECTED VOLUME OF PLACEMENTS AND ITS SIZE, SCOPE AND FINANCIAL COMMITMENTS.

6. IF THE FACILITY/AGENCY DOES NOT HAVE SUFFICIENT FUNDS TO MEET OPERATING EXPENSES INCLUDING LESS THAN TWO (2) MONTHS OF CASH RESERVES OR LIQUID ASSETS OR DETERMINES THERE TO BE A SIGNIFICANT FINANCIAL HARDSHIP WITH POTENTIAL TO IMPACT ITS PROGRAMS, THE FACILITY/AGENCY MUST NOTIFY THEIR DEPARTMENT REPRESENTATIVE IN WRITING OF THE FINANCIAL HARDSHIP AND ANY POTENTIAL NEGATIVE IMPACTS DUE TO THE HARDSHIP AS SOON AS IT IS IDENTIFIED.

7.705.12 Fiscal Management ~~[Rev. eff.7/2/06]~~

A. Each RCCF ~~shall~~ MUST develop an annual budget reflecting anticipated income by source and expenses by purpose, plus an accompanying balance sheet, which demonstrates that the RCCF has assured resources to carry out its defined purpose. The budget ~~shall~~ MUST be approved by the governing body OR ADVISORY COMMITTEE. The first year's budget ~~shall~~ MUST be submitted with the original license application.

B. An RCCF ~~shall~~ MUST demonstrate that it is financially sound and manages its financial affairs prudently. All funds disbursed by the facility ~~shall~~ MUST be expended in accordance with the program objectives as specified by the governing body OR ADVISORY COMMITTEE.

C. An RCCF must have a double entry accounting system, and all financial transactions must be posted to this system. Financial statements, prepared from information provided by this system, ~~shall~~ MUST be presented in conformity with the U.S. Generally Accepted Accounting Principles (GAAP). Books and records of the RCCF ~~shall~~ MUST be subject, at any time the RCCF business office is open, to inspection, audit, or copying by designated Federal, State, or county personnel, or such independent auditors or accountants as may be designated by these personnel.

~~D. Each private or non-profit RCCF whose total annual expenditures are $100,000 or more shall provide for an annual audit by an independent Certified Public Accountant in accordance with appropriate generally accepted auditing standards. RCCF's with less than $100,000 total annual expenditure may submit an audit as described above or may submit compiled or reviewed financial statements, prepared in accordance with generally accepted accounting principles.~~

~~1. Every RCCF shall submit cost reports as prescribed by the State on the required supplementary information form and the administrative expenses for foster care as defined by the State Department.~~

~~2. The cost reports submitted shall contain an affidavit signed by the RCCF's Executive Director and an officer of its board attesting to the authenticity of the information. Submission of falsified information shall be grounds for suspension of the RCCF license.~~

~~3. The audit and cost report shall be submitted to the Department six (6) of the RCCF's fiscal year end.~~

7.705.13 Insurance ~~[Rev. eff. 11/1/98]~~

A. Every facility ~~shall~~ MUST carry public liability insurance. The applicant or licensee ~~shall~~ MUST submit the amount of the insurance and the name and the address of the insurance agency providing the insurance for the facility. Information about the insurance ~~should~~MUST be maintained at the facility AND MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

B. Facilities operating their own transportation vehicles ~~shall~~ MUST carry insurance in compliance with the minimum limits required by the Colorado Revised Statutes, Title 10, Article 4. INFORMATION ABOUT THE

INSURANCE MUST BE MAINTAINED AT THE FACILITY AND MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

C. The facility ~~shall~~ MUST carry ~~workman's~~ WORKERS' compensation and unemployment insurance as required by law. INFORMATION ABOUT THE INSURANCE MUST BE MAINTAINED AT THE FACILITY AND MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

7.705.2 CHILD CARE SERVICES

7.705.21 Case Management Services Provided by the Residential Child Care Facility ~~[Rev. eff. 7/2/06]~~

A. A staff member qualified as stated at Section 7.705.4~~6~~4~~,~~.A~~,~~ ~~small~~ MUST be assigned the responsibility for case management for each child/YOUTH.

B. Each individual assigned the responsibility of providing case management services for a child/YOUTH ~~shall~~ MUST:

1. Participate actively in the admission procedure, treatment planning, discharge, and after care planning.

2. Assure that appropriate information concerning the child/YOUTH and ~~her/his~~ THEIR ~~background~~ TREATMENT NEEDS OR INTERVENTIONS is shared with other staff members who SUPERVISE OR CARE FOR ~~deal with~~ the child/YOUTH regularly and maintain AND DOCUMENT communication with parents, guardians, ~~or~~ referring agency, or the agency responsible for discharge planning and follow-up care of the child/YOUTH.

3. Assure that an individual child'S/YOUTH'S plan is developed WITH ~~for~~ the child/YOUTH and required plan review and necessary modifications are made ~~pursuant to~~ IN ACCORDANCE WITH Section 7.714.4~~;~~. ~~D~~B.

4. Assure that ~~necessary~~ REQUESTED progress reports for court and placing agency~~y~~IES ~~requirements~~ are completed and submitted in a timely fashion.

5. Attend Administrative Reviews in person, VIRTUALLY, or by conference call, IF APPLICABLE.

6. Assure that the individual child'S/YOUTH'S plan developed for each child/YOUTH is implemented, including treatment by specialists, and documented in the child's/YOUTH'S file.

C. RCCF providers who are serving children OR YOUTH enrolled in the Children's Habilitation Residential Program (CHRP) waiver ~~shall~~ MUST be in compliance with rules contained in the Department of Health Care Policy and Financing's Medical Assistance RULES AND REGULATIONS ~~Manual~~ at Section 8.508 (10 CCR 2505-10; 8.500) (2024), WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE AT https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=11637&fileName=10%20CCR%202505-10%208.500. COPIES ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING BY CONTACTING THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIRECTOR OF THE CHILD WELFARE DIVISION, 1575 SHERMAN STREET, DENVER, COLORADO, 80203, OR AT ANY STATE PUBLICATIONS LIBRARY DURING REGULAR BUSINESS HOURS.

7.705.22 Recreation and Leisure Activities ~~[Rev. eff. 11/1/15]~~

A. A ~~r~~Residential CHILD CARE F~~f~~acility (RCCF) ~~shall~~ MUST have a written plan for ensuring that a range of indoor and outdoor recreational and leisure opportunities ARE provided for children/YOUTH in care. ADAPTIVE RECREATION AND/OR ADAPTIVE RECREATION OPPORTUNITIES MUST BE PROVIDED TO THOSE CHILDREN/YOUTH WITH REQUIRED ACCOMMODATIONS AND TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 42 U.S.C. ~~§~~ SECTION 12101 THROUGH SECTION 12213 ~~et seq.~~ (2024)~~(2012)~~, AND ITS IMPLEMENTING REGULATION, 29 C.F.R. PART 1630 (2025), AS INCORPORATED BY REFERENCE IN SECTION 7.701.14, IF APPLICABLE, AND DOCUMENTED WITHIN THE CHILD'S INDIVIDUALIZED PLAN. Such opportunities ~~shall~~ MUST be based on the individual interests OF THE CHILDREN/YOUTH, with personal and treatment needs being considered. The R~~r~~easonable and P~~p~~rudent P~~p~~arent S~~s~~tandard requirement for staff to approve activities for a child or youth in ~~foster~~ care

includes the following actions:

1. At least one (1) staff or administrator in a Residential Child Care Facility (RCCF), who is TRAINED ~~provided training~~ in determining how to use and apply the Reasonable and Prudent Parent Standard, ~~shall~~ MUST be designated ~~as authorized~~ to apply the Reasonable and Prudent Parent Standard to decisions involving the participation of a child ~~or~~ /youth in age or developmentally appropriate activities.

2. The staff ~~shall~~ MUST receive training in how to determine whether approving a child's ~~or~~ /youth's participation in an extracurricular ACTIVITY, enrichment, cultural, or social activity is consistent with the R~~r~~easonable and P~~p~~rudent P~~p~~arent S~~s~~tandard based upon the criteria in Section 7.701.200.

B. Responsibility ~~shall~~ MUST be assigned for supervision and coordination of the total recreation program, including training and supervision of staff and volunteers, to assure maximum safety for each participant. FOR PROGRAMS WITHOUT A TOTAL RECREATION PROGRAM, A DESIGNATED RESPONSIBLE ADULT MUST BE ASSIGNED FOR SUPERVISION AND COORDINATION OF ANY RECREATIONAL ACTIVITY TO ENSURE CHILD/YOUTH SAFETY.

C. Outdoor and indoor recreational areas and equipment ~~shall~~ MUST be provided in sufficient variety and quantity to meet THE needs of children/YOUTH and to offer some choice of activities. ADAPTIVE RECREATION EQUIPMENT AND/OR ADAPTIVE RECREATION OPPORTUNITIES MUST BE PROVIDED TO THOSE CHILDREN/YOUTH WITH REQUIRED ACCOMMODATIONS AND TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 42 U.S.C. ~~§~~ SECTION 12101 THROUGH SECTION 12213 ~~et seq.~~ (2024)~~(2012)~~, AND ITS IMPLEMENTING REGULATION, 29 C.F.R. PART 1630 (2025), AS INCORPORATED BY REFERENCE IN SECTION 7.701.14. IF APPLICABLE, AND DOCUMENTED WITHIN THE CHILD'S/YOUTH'S INDIVIDUALIZED PLAN. GAMES, TOYS, EQUIPMENT, AND ARTS AND CRAFTS MATERIAL MUST BE SELECTED ACCORDING TO DEVELOPMENTAL APPROPRIATENESS, NUMBER OF CHILDREN/YOUTH, AND WITH CONSIDERATION OF THE NEEDS OF CHILDREN/YOUTH TO ENGAGE IN BOTH ACTIVE AND QUIET PLAY. ALL EQUIPMENT AND MATERIALS MUST BE OF A SUFFICIENT QUALITY TO ASSURE SAFETY, AND MUST BE OF A TYPE WHICH ALLOWS FOR IMAGINATIVE PLAY AND CREATIVITY.

D. If the facility takes residents on out-of-state trips, the facility ~~shall~~ MUST develop a written plan for each trip, which includes goals for participants for the trip, selection criteria of participants, necessary skills for staff members, necessary equipment to meet participants' needs on the trip, supervision plan, AND A letter of information to parents and/or guardians. ~~, and approval of the parent and/or guardian.~~

1.~~E.~~ The facility ~~shall~~ MUST obtain the written permission of the parent and/or guardian for each out-of-state trip or ~~shall~~ MUST obtain an overall written permission of the guardian for any out-of-state trip in which the ~~resident~~ CHILD/YOUTH will participate.

E.~~F.~~ Some facilities may participate in special activities which are either comprehensively integrated and salient to the total treatment program or which supplement and enhance the treatment process. When the facility participates in any special activities, such as swimming, boating, horseback riding, use of the trampoline, white water rafting, backpacking, camping, ~~and~~ OR winter sports, the facility ~~shall~~ MUST comply with the R~~r~~ules R~~r~~egulating S~~s~~pecial A~~a~~ctivities found at Section 7.719. The child's/YOUTH'S participation in a special activity ~~shall~~ MUST be included in the individual child'S/YOUTH'S plan.

1. When the residents of the facility participate in a special activity, each facility ~~shall~~ MUST have a plan ~~for~~ OF action in case of natural disasters relevant to the terrain and activity, lost participants, injuries, and illnesses. THE PLAN MUST INCLUDE AVAILABLE MEANS OF COMMUNICATION DURING SPECIAL ACTIVITIES. These plans ~~shall~~ MUST be in writing and ~~shall~~ MUST accompany the participants and staff, and also be on file at the facility office. The staff ~~shall~~ MUST have received training regarding the implementation of these plans prior to the departure of the participants.

2. ~~There shall be a first aid kit which contains equipment relevant to the type of injuries which might be sustained in a specific activity and which is located at the site of the activity.~~ FIRST AID SUPPLIES MUST BE MADE AVAILABLE IN VEHICLES, RECREATION AREAS, AND IN A CENTRAL LOCATION IN THE BUILDING. FIRST AID SUPPLIES MUST BE IN COMPLIANCE WITH CDPHE REGULATIONS. There ~~shall~~ MUST be a person holding at least a~~n~~ CURRENT American Red Cross First Aid/CPR/AED ~~C~~certificate for schools and communities or equivalent at the site of the activity when the activity is in progress.

7.705.3 PERSONAL CARE OF THE CHILD/YOUTH

~~**7.705.31 Medical and Health Services** [Rev. eff. 11/1/98]~~

~~Administration of any medication at the facility shall be done only by a person licensed and authorized by law or staff member having passed a Colorado Department of Public Health and Environment approved competency evaluation for medication administration, verification of which is maintained in the staff member's personnel file.~~

7.705.3~~2~~1 Food and Nutrition ~~[Rev. eff. 11/1/98]~~

A. Menus ~~shall~~ MUST be planned at least one (1) week at a time and ~~shall~~ MUST be dated, posted, and filed for at least one (1) ~~month~~ YEAR. MENUS MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

1. IF MENUS ARE USED ON A ROTATING BASIS, THEY MUST NOT REPEAT FOR THREE (3) WEEKS, OR IF CYCLE MENUS ARE USED, THEY MUST BE AT LEAST THREE (3) WEEKS LONG.

2. RESIDENTIAL CHILD CARE FACILITIES MUST MAKE AVAILABLE OR MAKE PROVISIONS FOR EACH CHILD/YOUTH TO HAVE THREE (3) NUTRITIOUS MEALS PER DAY SCHEDULED AT REGULAR INTERVALS. IF MORE THAN FOUR (4) HOURS ELAPSE BETWEEN MEALS OR FOURTEEN (14) HOURS ELAPSES BETWEEN EVENING MEAL AND BREAKFAST, A NUTRITIOUS SNACK MUST BE SERVED.

3. MILK MUST BE MADE AVAILABLE WITH ALL MEALS, AND ACCOMMODATIONS MUST BE MADE FOR THOSE CHILDREN/YOUTH WITH LACTOSE INTOLERANCE OR WHO ARE DAIRY FREE.

4. A FACILITY MUST TAKE INTO ACCOUNT ANY CULTURAL AND/OR RELIGIOUS CONSIDERATIONS AND ANY SPECIAL DIETARY RESTRICTIONS OF THE CHILDREN/YOUTH IN PLACEMENT WHEN PLANNING MENUS, SUCH AS, BUT NOT LIMITED TO, CHILDREN/YOUTH WHO ARE VEGAN, VEGETARIAN, PESCETARIAN, GLUTEN FREE, DAIRY FREE, OR WHO HAVE ANY OTHER SPECIFIC FOOD ALLERGIES, PREFERENCES, OR DIETARY RESTRICTIONS.

5. ANY ACCOMMODATIONS MADE TO MENUS SPECIFIC TO ALLERGIES, PREFERENCES, OR OTHER DIETARY RESTRICTIONS MUST BE APPROVED BY A REGISTERED DIETITIAN AND DOCUMENTED FOR REVIEW BY THE DEPARTMENT UPON REQUEST.

B. If menus are not prepared by a ~~qualified nutritionist or~~ REGISTERED dietitian, there ~~shall~~ MUST be A review and approval by a ~~qualified nutritionist or~~ REGISTERED dietitian at least ~~quarterly~~ ANNUALLY OR WHEN THE MENU IS CHANGED MORE THAN THREE (3) DAYS PER MONTH.

C. FACILITIES PARTICIPATING IN THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOOD PROGRAM MUST HAVE THE MENUS FOR NON-REIMBURSABLE MEALS AND SNACKS REVIEWED AND APPROVED BY A REGISTERED DIETITIAN.

~~C. Water shall be readily accessible to children by means of an approved water fountain or single service cups.~~

~~**7.705.33 Client Eligibility for Mental Health Services in RCCF** [Rev. eff. 6/1/12]~~

~~A. To be receiving Colorado Medicaid fee for service mental health services in a RCCF, the child shall have a current and valid assessment that supports medical necessity. The CCAR assessment shall be completed by the agency providing the mental health services. In addition, the child shall be:~~

~~1. Medicaid eligible; and,~~

~~2. Diagnosed with a psychiatric disorder; and,~~

~~3. Determined in an initial assessment to be in need of and capable of benefiting from the mental health services as determined by a licensed professional person.~~

~~B. The provider shall use the CCAR to document any changes in diagnosis and, on an annual basis or at time~~

~~of discharge, to determine the outcome of mental health services provided.~~

~~C. Mental health services shall be discontinued when:~~

~~1. The child has attained treatment goals; or,~~

~~2. The child is no longer able to benefit from the mental health services, is no longer progressing toward therapeutic goals, or is referred elsewhere for treatment; or,~~

~~3. The child is discharged from the facility.~~

~~D. If a client is discharged during the first seventy-two (72) hours of admission, and a service plan has not been completed, then the facility shall assure that available mental health information is included in the discharge summary.~~

~~E. Mental health services shall be identified in the plan of care and provided as indicated by the child's need for:~~

~~1. Individual therapy sessions, which shall be provided as specified for the acuity level of care. Individual therapy sessions shall be conducted by a licensed professional person.~~

~~2. Group therapy sessions, which shall be provided as specified for the acuity level of care. Group therapy may include a therapeutic intervention provided to two (2) or more children that assists in their ability to function. A licensed professional person shall conduct the group therapy sessions.~~

~~3. Family therapy sessions, which shall be provided as specified for the acuity level of care. The family therapy sessions shall be provided with a significant other and the child must be present unless contraindicated. Family therapy sessions shall be conducted by a licensed professional person.~~

~~4. Other mental health services needed and able to be billed on a fee for service basis to Medicaid, including crisis management and evaluation services.~~

~~5. Medication administration services.~~

7.705.4 HUMAN RESOURCES

~~**7.704.41 Personnel Policy, Orientation, and Training [Rev. eff. 11/1/98]**~~

~~A. The facility shall have a written statement of personnel policies which include:~~

~~1. Job descriptions for all positions required. The descriptions shall describe duties of the job, qualifications for performance, and supervision to be provided.~~

~~2. Salary range and provision for increments.~~

~~3. Hours of work, holidays, vacations, sick leave, and other leaves.~~

~~4. Conditions of employment, tenure, and promotion.~~

~~5. Employment benefits, including retirement plan, social security, hospitalization, and other insurances.~~

~~6. Employee evaluation procedure.~~

~~7. Grievance procedures which may be used by staff.~~

~~8. Termination procedures.~~

~~B. A copy of the personnel policy shall be given to each staff member at the time of his employment.~~

7.705.4~~2~~1 Administrative Staff ~~[Rev. eff. 1/1/12]~~

A. Administrator

The administrator of a residential child care facility (RCCF) ~~shall~~ MUST be qualified as follows:

1. The administrator ~~shall~~ MUST have received a bachelor's degree from a regionally accredited college or university and have A MINIMUM OF three (3) years of verified experience in the human services field, one (1) of which was in a supervisory or administrative position; or,

2. The administrator ~~shall~~ MUST have received a master's degree from a regionally accredited college or university and have A MINIMUM OF two (2) years of verified experience in the human services field, one (1) of which was in a supervisory or administrative position.

3. The administrator ~~shall~~ MUST assume OR OVERSEE the following duties: HUMAN RESOURCES MANAGEMENT; POLICY AND PROCEDURES DEVELOPMENT AND IMPLEMENTATION; QUALITY ASSURANCE; REGULATORY COMPLIANCE AND ACCOUNTABILITY; OVERALL PROFESSIONALISM OF THE AGENCY; RESPONSIBILITY FOR THE DAILY OPERATION OF THE AGENCY; OVERALL DIRECTION AND RESPONSIBILITY FOR THE CHILDREN/YOUTH, PROGRAM, FACILITY, AND FISCAL MANAGEMENT; OVERSIGHT OF TRAUMA-INFORMED CARE PLANS THAT ARE APPROVED BY THE DEPARTMENT; OVERALL DIRECTION AND RESPONSIBILITY FOR SUPERVISION OF ADEQUATE STAFFING AS DEFINED IN RULE; THE SELECTION AND TRAINING OF A STAFF MEMBER WHO CAN ASSUME RESPONSIBILITY FOR MANAGING THE FACILITY IN THE ADMINISTRATOR'S ABSENCE; AND THE ESTABLISHMENT OF RESOURCES WITHIN THE COMMUNITY.

   ~~a. Overall direction and responsibility for the children, program, facility, and fiscal management.~~

   ~~b. Overall direction and responsibility for supervision of adequate staff.~~

   ~~c. The selection and training of a capable staff member who can assume responsibility for management of the facility in the administrator's absence.~~

   ~~d. The establishment of relationships and contact maintenance with allied agencies, services, and resources within the community.~~

B. Assistant or Acting Administrator

1. In each RESIDENTIAL child care facility (RCCF), there ~~shall~~ MUST be a specifically designated staff member, age twenty-one (21) or over, capable of acting as a substitute for the administrator during ~~his/her~~ THEIR absence. The duties and responsibilities of the substitute administrator ~~shall~~ MUST be ALIGNED WITH THE DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR. ~~clearly defined in order to avoid confusion and conflict among other staff and children.~~

2. If the administrator is regularly absent from the facility more than fifty percent (50%) of ~~his/her~~ THEIR working hours, an assistant administrator ~~shall~~ MUST ~~be appointed who~~ meet~~s~~ the same qualifications as the administrator found at Section 7.705.4~~2~~1~~,~~.A. A LICENSED PROFESSIONAL MAY ACT AS THE ACTING ADMINISTRATOR.

C. Administrative Coverage

1. When there is a change in administrator, or when ~~he/she~~ THE ADMINISTRATOR has left the facility permanently without a replacement, the ~~State Department of Human Services~~ DEPARTMENT ~~shall~~ MUST be notified in writing ~~immediately~~WITHIN TWENTY-FOUR (24) HOURS~~or w~~. When a possible change in administrator is anticipated, the facility ~~shall~~ MUST notify the ~~State~~ Department IN WRITING prior to the change.

2. The administrator or the staff member to whom the administrator has delegated responsibility ~~shall~~MUST be available at all times EITHER AT THE FACILITY OR VIA A VIRTUAL OR TELEPHONIC OPTION.

7.705.4~~3~~2 Medical, Health, and Clinical Staff ~~[Rev. eff. 1/1/12]~~

~~A residential facility shall MUST have a primary physician, licensed to practice medicine, available to~~

~~establish and maintain the health and medical plan and procedures of the facility.~~ THE FOLLOWING APPLY TO FACILITIES WHO ARE ONLY RESIDENTIAL CHILD CARE FACILITIES (RCCF). FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAM REQUIREMENTS FOR MEDICAL AND HEALTH STAFF, SEE SECTION 7.705.204 THROUGH SECTION 7.705.206.

~~A. If the physician is not a full-time employee, the description of the physician's consultative services or other duties to be performed shall MUST be set forth clearly in a written agreement with the facility.~~

A. A RESIDENTIAL CHILD CARE FACILITY (RCCF) MUST HAVE ACCESS TO MEDICAL CONSULTATIVE SERVICES AND A HEALTH CARE PROVIDER LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, C.R.S., IN ORDER TO PROVIDE EFFECTIVE HEALTHCARE TO MEET THE NEEDS OF THE CHILDREN/YOUTH IN THE FACILITY. A RESIDENTIAL CHILD CARE FACILITY MAY EMPLOY A LICENSED ~~MEDICAL~~ HEALTH CARE PROVIDER(S) WHO WOULD BE RESPONSIBLE FOR THE HEALTH CARE OF THE CHILDREN/YOUTH IN THE FACILITY. SUCH CONTRACT OR TERMS OF EMPLOYMENT MUST OUTLINE THE NUMBER OF HOURS TO BE PROVIDED FOR ON-SITE CONSULTATION AND/OR INTERVENTION.

~~B. All medical staff, whether employed by the facility, or whether their services are purchased or volunteered, shall be licensed and responsible to the primary physician for the medical aspects of their job.~~

B. IF THE LICENSED MEDICAL HEALTH CARE PROVIDER IS NOT AN EMPLOYEE OF THE FACILITY, THERE MUST BE A DESCRIPTION OF THE CONTRACTED CONSULTATIVE SERVICES OR OTHER MEDICAL DUTIES TO BE PERFORMED, AND THERE MUST BE A WRITTEN CONTRACT OUTLINING THE DUTIES TO BE PERFORMED AND THEIR REQUIRED AVAILABILITY TO THE FACILITY.

~~C. Clinical staff who provide mental health services shall be a licensed professional person and shall be qualified as a physician licensed pursuant to Article 36 of Title 12, C.R.S., a psychologist licensed pursuant to Part 3 of Article 43 of Title 12, C.R.S., a clinical social worker licensed pursuant to Part 4 of Article 43 of Title 12, C.R.S., a marriage and family therapist licensed pursuant to Part 5 of Article 43 of Title 12, C.R.S., a marriage and family therapist licensed pursuant to Part 5 of Article 43 of Title 12, C.R.S., a professional counselor licensed pursuant to Part 6 of Article 43 of Title 12, C.R.S., a social worker licensed pursuant to Part 4 of Article 43 of Title 12, C.R.S., that is supervised by a licensed clinical social worker, or a mental health professional provisionally licensed pursuant to Part 2 of Article 43 of Title 12, and shall provide therapy services to children in care.~~

7.705.43 Child Care Staff ~~[Rev. eff. 11/1/98]~~

A. RESIDENTIAL CHILD CARE FACILITIES (RCCFS) AND SHELTER CARE FACILITIES

1. EACH CHILD CARE STAFF WORKING WITHIN AN RCCF MUST BE AT LEAST TWENTY-ONE (21) YEARS OF AGE AND HAVE A HIGH SCHOOL DIPLOMA OR EQUIVALENT. AN EMPHASIS MAY BE PLACED ON SKILLS-BASED HIRING FOR STAFF AS WELL AS VALUING LIVED EXPERIENCE IN THE CHILD WELFARE SYSTEM.

2. CHILD CARE STAFF MUST COMPLETE REQUIRED TRAINING WITHIN THIRTY (30) DAYS OF HIRE, AS PROVIDED BY THE PROVIDER TRAINING ACADEMY OR THE FACILITY/AGENCY.

3. CHILD CARE STAFF AIDES MUST BE AT LEAST EIGHTEEN (18) YEARS OLD AND MUST HAVE A HIGH SCHOOL DIPLOMA OR EQUIVALENT. CHILD CARE STAFF AIDES MUST WORK DIRECTLY UNDER THE SUPERVISION OF A CHILD CARE STAFF MEMBER IN ACTIVITIES SPECIFIED BY THE CHILD CARE STAFF MEMBER OR WITH THE APPROVAL OF THE DIRECTOR.

4. RELIEF STAFF MUST HAVE THE SAME QUALIFICATIONS AS REGULARLY ASSIGNED CHILD CARE STAFF.

5. SUPERVISORS ARE REQUIRED TO HAVE A COLLEGE DEGREE ~~IN THE HUMAN SERVICES FIELD OR RELATED FIELD~~ AS WELL AS A MINIMUM OF TWO (2) YEARS OF EXPERIENCE WORKING IN A CHILD CARE SETTING. AN ASSOCIATE DEGREE MAY BE SUBSTITUTED FOR THE COLLEGE DEGREE REQUIREMENT. STAFF MEMBERS PROMOTED INTO SUPERVISORY POSITIONS OR PEOPLE HIRED INTO SUPERVISORY POSITIONS WITHOUT SUPERVISION EXPERIENCE MUST COMPLETE SIX (6) HOURS OF TRAINING WITHIN

NINETY (90) DAYS OF HIRE/PROMOTION, AS PROVIDED BY THE PROVIDER TRAINING ACADEMY OR THE FACILITY/AGENCY.

B. QUALIFIED RESIDENTIAL TREATMENT PROGRAMS (QRTPS) AND PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTFS)

1~~A~~. Each child care worker must be at least TWENTY-ONE (21) years of age and have completed two (2) years of college education. AN ASSOCIATE'~~S~~ DEGREE MAY BE SUBSTITUTED FOR THE COLLEGE REQUIREMENT. A high school diploma or equivalent~~;~~ and ~~one year's~~ A MINIMUM OF TWO (2) YEARS' experience in the human services field may be substituted for the ~~required~~ college REQUIREMENT. A CHILD CARE WORKER MAY SUBSTITUTE EACH YEAR OF WORK EXPERIENCE WITH THIRTY (30) SEMESTER HOURS OF CREDIT EARNED FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY. A HIGH SCHOOL DIPLOMA OR EQUIVALENT AND THIRTY (30) SEMESTER HOURS AND A MINIMUM OF ONE (1) YEAR OF EXPERIENCE MAY BE SUBSTITUTED FOR THE REQUIRED COLLEGE. AN EMPHASIS MAY BE PLACED ON SKILLS-BASED HIRING FOR STAFF AS WELL AS VALUING LIVED EXPERIENCE IN THE CHILD WELFARE SYSTEM.

2~~B~~. Child care staff aides ~~shall~~ MUST be at least EIGHTEEN (18) years old AND MUST HAVE A HIGH SCHOOL DIPLOMA OR EQUIVALENT. ~~and~~ CHILD CARE STAFF AIDES ~~shall~~ MUST work directly under the supervision of a child care staff member in activities specified by the child care staff member or with the approval of the director.

3~~C~~. Relief staff ~~shall~~ MUST have the same qualifications as regularly assigned child care staff.

4~~D~~. EACH CHILD CARE WORKER AND ANY STAFF MEMBER WHO PROVIDES DIRECT CARE FOR CHILDREN/YOUTH MUST BE PROVIDED WITH ONGOING SUPERVISION. EACH CHILD CARE WORKER AND STAFF MEMBER WHO PROVIDES DIRECT CARE FOR CHILDREN/YOUTH MUST BE PROVIDED INDIVIDUAL SUPERVISION AT LEAST EVERY THIRTY (30) DAYS AND DOCUMENTED AND MAINTAINED IN THE EMPLOYEE FILE. MORE FREQUENT SUPERVISION MUST BE PROVIDED AS NECESSARY FOR SUPPORT OR TO ADDRESS PERFORMANCE AND MUST BE DOCUMENTED IN THE INDIVIDUAL STAFF FILE.

5~~E~~. SUPERVISORS ARE REQUIRED TO HAVE A COLLEGE DEGREE IN THE HUMAN SERVICES FIELD OR RELATED FIELD AS WELL AS A MINIMUM OF TWO (2) YEARS OF EXPERIENCE WORKING IN A CHILD CARE SETTING. STAFF MEMBERS PROMOTED INTO SUPERVISORY POSITIONS OR PEOPLE HIRED INTO SUPERVISORY POSITIONS WITHOUT SUPERVISION EXPERIENCE MUST COMPLETE SIX (6) HOURS OF TRAINING WITHIN NINETY (90) DAYS OF HIRE/PROMOTION, AS PROVIDED BY THE PROVIDER TRAINING ACADEMY OR THE FACILITY/AGENCY.

6~~F~~. SUPERVISION OF STAFF SHOULD ADDRESS, AT A MINIMUM, THE CLINICAL NEEDS OF THE CHILDREN/YOUTH IN THE CARE OR SERVICE OF THE STAFF, TRAUMA-INFORMED PRACTICES, PERFORMANCE, EMOTIONAL REGULATION, AND VICARIOUS TRAUMA.

7~~G~~. DOCUMENTATION OF THE DISCUSSIONS DURING SUPERVISION SHOULD BE SIGNED OR ACKNOWLEDGED BY BOTH PARTIES AND MUST BE MAINTAINED BY THE FACILITY AND MADE AVAILABLE UPON REQUEST BY THE DEPARTMENT.

7.705.44 CASE MANAGEMENT STAFF AND OTHER PROFESSIONAL STAFF

A. CASE MANAGEMENT MUST BE PROVIDED BY:

1. A QUALIFIED PROFESSIONAL HAVING A MASTER'S DEGREE IN SOCIAL WORK, PSYCHOLOGY, OR CHILD DEVELOPMENT FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY AND HAVE A MINIMUM OF TWO (2) YEARS OF TREATMENT-ORIENTED OR CASE MANAGEMENT EXPERIENCE, OR

2. A DESIGNATED MEMBER OF THE STAFF WHO MUST HAVE A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY WITH A MAJOR IN SOCIAL AND BEHAVIORAL SCIENCES, AND A MINIMUM OF THREE (3) YEARS OF EXPERIENCE WORKING WITH CHILDREN/YOUTH. THE DESIGNATED CASE MANAGEMENT STAFF MUST HAVE AN ARRANGEMENT FOR CONSULTATION FROM A QUALIFIED PROFESSIONAL AS

DESCRIBED ABOVE. EFFECTIVE CONSULTATION MUST INCLUDE, AT A MINIMUM, PROFESSIONAL AND DOCUMENTED SUPERVISION OF EACH CASE MANAGEMENT STAFF AT LEAST ONCE EVERY THIRTY (30) DAYS TO REVIEW PENDING AND NEW ADMISSIONS TO THE FACILITY, INITIAL ASSESSMENTS AND INITIAL INDIVIDUAL CHILD'S/YOUTH'S PLANS, CURRENT DISCHARGE PLANS, INDIVIDUAL CHILD'S/YOUTH'S INDIVIDUAL PLAN REVIEWS AND MODIFICATIONS, COMMUNICATION STRATEGIES WITH PARTNERS AND FAMILIES, PROGRESS REPORTS, AND PLANNING OF CARE FOLLOWING DISCHARGE.

B. THE CASE MANAGEMENT STAFF MUST ENSURE THE INDIVIDUAL CHILD'S/YOUTH'S PLAN, AS DESCRIBED IN SECTION 7.714.4.B ~~ET SEQ.~~, ALIGNS WITH THE REASON FOR RESIDENTIAL CHILD CARE FACILITY LEVEL OF CARE AND OUTLINES ANTICIPATED LENGTH OF STAY, SPECIFIC CARE, TREATMENT, AND AFTERCARE PLANNING GUIDELINES FOR SUCCESSFUL DISCHARGE, AS APPROVED AND SIGNED OFF ON BY THE LICENSED CLINICIAN.

C. THE QUALIFIED PROFESSIONAL, AS SPECIFIED IN SECTION 7.705.44.A.1 MAY BE A FULL-TIME OR PART-TIME EMPLOYEE OF THE FACILITY OR AN INDIVIDUAL WITH WHICH THE FACILITY HAS A CONTRACT TO PROVIDE THE NECESSARY SERVICES AND/OR CONSULTATION.

D. THE RATIO OF CASE MANAGEMENT STAFF TO CHILDREN/YOUTH MUST BE DEPENDENT ON THE TYPE OF FACILITY AND THE NEEDS OF THE CHILDREN/YOUTH THEREIN, BUT THERE MUST BE AT LEAST ONE (1) FULL-TIME CASE MANAGEMENT STAFF MEMBER FOR EVERY TWENTY (20) CHILDREN/YOUTH OR A PART-TIME STAFF MEMBER ASSIGNED FOR A FRACTION THEREOF.

E. THE CASE MANAGEMENT STAFF MUST BE RESPONSIBLE FOR PROVIDING CASE MANAGEMENT SERVICES AS STATED AT SECTION 7.705.21.

F. PSYCHIATRISTS USED BY THE CHILD CARE FACILITY MUST BE QUALIFIED AND LICENSED TO PRACTICE AND MUST PROVIDE, AS NEEDED, DIAGNOSIS, TREATMENT, AND CONSULTATION SERVICES.

G. ONLY LICENSED AND TRAINED CLINICIANS, AS OUTLINED IN SECTION 7.705.205.A MAY PROVIDE TESTING AND DIAGNOSTIC SERVICES FOR ASSESSMENT PURPOSES AND MUST BE QUALIFIED AND LICENSED TO PRACTICE AS DESIGNATED BY COLORADO LAW.

H. OTHER PROFESSIONALS PROVIDING SPECIFIC THERAPY MUST BE LICENSED PROFESSIONALS AS DESIGNATED BY COLORADO STATE LAW.

7.705.45 FOOD SERVICES AND MAINTENANCE STAFF MEMBERS

A. ALL FOOD SERVICES AND MAINTENANCE STAFF MEMBERS MUST COMPLY WITH THE GENERAL REQUIREMENTS FOR ALL PERSONNEL AS SPECIFIED IN SECTION 7.714.92.

B. THERE MUST BE ONE (1) FOOD SERVICE STAFF MEMBER WHO HAS BASIC KNOWLEDGE AND UNDERSTANDING OF NUTRITION, FOOD PURCHASING, AND MENU PLANNING. IF THE STAFF MEMBER IS NOT QUALIFIED AS A REGISTERED DIETITIAN, THERE MUST BE AVAILABLE WRITTEN CONSULTATION FROM A REGISTERED DIETITIAN.

C. MAINTENANCE STAFF MUST BE IN SUFFICIENT NUMBERS TO MAINTAIN AN ADEQUATE PHYSICAL SPACE AS DETERMINED BY THE POLICIES AND PROCEDURES OF THE FACILITY.

7.705.4~~5~~6 Child Care Staff-to-Child/YOUTH Ratios~~[Rev. eff. 7/2/06]~~

~~A. The facility shall know the intended whereabouts of each child in care at all times, and children shall be under the direct supervision of child care staff at all times.~~

A~~B~~. There ~~shall~~ MUST be a minimum of one (1) ~~adult qualified as a~~ child care worker on duty and one (1) ~~adult~~ staff person on call who can be PHYSICALLY PRESENT AT THE FACILITY WITHIN SIXTY (60) MINUTES, ~~summoned~~ at all times when there is one (1) child/YOUTH or more at the facility. IN THE EVENT OF AN EMERGENCY, LOCAL EMERGENCY SERVICES MUST BE CALLED IMMEDIATELY.

B~~C~~. At night there ~~shall~~ MUST be at least one (1) awake staff person within each physically separate building~~,~~ and within hearing distance of children/YOUTH~~,~~ and a second person who can be PHYSICALLY PRESENT

AT THE FACILITY WITHIN SIXTY (60) MINUTES. ~~summoned in case of emergency.~~ IN THE EVENT OF AN EMERGENCY, LOCAL EMERGENCY SERVICES MUST BE CALLED IMMEDIATELY.

C~~D~~. The ratio of child care staff to children/YOUTH in care ~~shall~~ MUST be dependent on the needs of the children/YOUTH, ~~but~~ AND the ratio of such staff ~~shall~~ MUST not be less than the following schedule: ~~except when transporting children in vehicles (see Section 7.705.56~~):

Age of Child/YOUTH	Waking Hours	Sleeping Hours
~~3~~5 - 6 years	1 staff member: 6 children/YOUTH	1 staff member: 12 children/YOUTH
7 -12 years	1 staff member: 8 children/YOUTH	1 staff member: 16 children/YOUTH
13 ~~-16~~ years and over	1 staff member: 10 children/YOUTH	1 staff member: 20 children/YOUTH

D. SPECIALIZED GROUP HOMES OR GROUP CENTERS WHO ARE SERVING CHILDREN ENROLLED IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM (CHRP) WAIVER MUST BE IN COMPLIANCE WITH RULES CONTAINED WITHIN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING (HCPF) MEDICAL ASSISTANCE MANUAL AT 10 CCR 2505-10 SECTION 8.508 (2024), WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE AT https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=11637&fileName=10%20CCR%202505-10%208.500. COPIES ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING BY CONTACTING THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIRECTOR OF THE CHILD WELFARE DIVISION, 1575 SHERMAN STREET, DENVER, COLORADO, 80203 OR AT ANY STATE PUBLICATIONS LIBRARY DURING REGULAR BUSINESS HOURS.

SPECIALIZED GROUP FACILITY MAXIMUM CAPACITY

CHRP	NON-CHRP	TOTAL CHILDREN/YOUTH
0	11	11
1	7	8
2	6	8
3	5	8
4	4	8
5	3	8
6	2	8

E. For children/YOUTH ~~who are physically and/or mentally disabled, excluding emotionally disturbed children~~WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, IMPAIRMENT TO INTELLECTUAL AND ADAPTIVE FUNCTIONING, OR PHYSICAL DISABILITIES, ~~the ratio of staff to children shall be at least:~~ THE ADMINISTRATOR SHALL ENSURE THAT THERE IS SUFFICIENT TRAINED STAFF ON DUTY TO MEET THE CURRENT OR POTENTIAL NEEDS OF ALL RESIDENTS AT ALL TIMES, CONSIDERING INDIVIDUAL NEEDS SUCH AS THE RISK OF ACCIDENTS, HAZARDS, OR OTHER CHALLENGING EVENTS.

1. THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY DOES NOT DEPEND UPON RESIDENTS TO PERFORM STAFF FUNCTIONS.

2. THE RATIO OF STAFF TO CHILDREN/YOUTH MUST BE AT LEAST:

A. IF CHILD/YOUTH HAS NEAR APPROPRIATE FUNCTIONING WITH LIMITED INTELLECTUAL FUNCTIONING, THE RATIO MUST BE ONE (1) STAFF MEMBER TO EVERY FIVE (5) CHILDREN/YOUTH DURING WAKING HOURS AND ONE (1) STAFF MEMBER TO EVERY TEN (10) CHILDREN/YOUTH DURING SLEEPING HOURS.

B. IF CHILD/YOUTH HAS LIMITED ADAPTIVE BEHAVIOR AND WILL ALWAYS NEED A DEFINED LEVEL OF SUPERVISION, THE RATIO MUST BE ONE (1) STAFF MEMBER TO EVERY FOUR (4) CHILDREN/YOUTH DURING WAKING HOURS AND ONE (1)

STAFF MEMBER FOR EVERY EIGHT (8) CHILDREN/YOUTH DURING SLEEPING HOURS.

C. IF CHILD/YOUTH HAS MINIMAL INDEPENDENCE AND COMMUNICATION, THE RATIO MUST BE ONE (1) STAFF MEMBER TO EVERY THREE (3) CHILDREN/YOUTH DURING WAKING HOURS AND ONE (1) STAFF MEMBER TO EVERY SIX (6) CHILDREN/YOUTH DURING SLEEPING HOURS.

D. IF CHILD/YOUTH IS COMPLETELY UNABLE TO MANAGE SELF, THE RATIO MUST BE ONE (1) STAFF MEMBER TO EVERY TWO (2) CHILDREN/YOUTH DURING WAKING HOURS AND ONE (1) STAFF MEMBER FOR EVERY FOUR (4) CHILDREN/YOUTH DURING SLEEPING HOURS.

~~Extent of Handicap~~	~~Waking Hours~~	~~Sleeping Hours~~
~~Mildly Disabled Children Functions near appropriate social and personal level and exhibits limited intellectual functioning~~	~~3-6 years: 1 staff member: 5 chil7.705dren. 7 years and over: 1 staff member:8 children~~	~~1 staff member: 12 children. 1 staff member: 12 children~~
~~Moderately Disabled Children Can obtain appropriate personal adaptive behavior, yet functions on a limited adaptive behavioral level and will always need some level of supervision~~	~~1 staff member: 5 children~~	~~1 staff member: 128 children~~
~~Severely Disabled Children Incapable of independence in self- help with minimal communication ability; plays primarily alone~~	~~1 staff member: 3 children~~	~~1 staff member: 6 children~~
~~Profoundly Disabled Children Totally unable to manage self~~	~~1 staff member: 2 children~~	~~1 staff member: 4 children~~

7.705.47 SUPERVISION OF CHILDREN/YOUTH

A. THE RESIDENTIAL CHILD CARE FACILITY (RCCF) MUST HAVE A WRITTEN POLICY FOR THE STANDARD SUPERVISION OF CHILDREN/YOUTH IN THE PROGRAM BASED ON THE IDENTIFIED POPULATION DESCRIBED IN THE ADMISSION POLICIES. THE FACILITY MUST ADHERE TO THE POLICY, AND IT MUST INCLUDE SUPERVISION OF CHILDREN/YOUTH WHILE AT THE FACILITY, DURING TRANSPORTATION, AND WHILE OFF THE PREMISES. THE POLICY MUST BE APPROVED BY THE DEPARTMENT ON AN ANNUAL BASIS. WHEN A CHILD'S/YOUTH'S INDIVIDUAL NEEDS REQUIRE DEVIATION FROM THE SUPERVISION POLICY, IT MUST BE DOCUMENTED IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

B. WHEN A CHILD/YOUTH IS IN THEIR BEDROOM OR IS NOT INVOLVED IN REGULAR PROGRAMMING, STAFF MUST CONDUCT VISUAL CHECKS OF EACH CHILD/YOUTH AT IRREGULAR INTERVALS, NOT TO EXCEED FIFTEEN (15) MINUTES BETWEEN VISUAL CHECKS.

C. DURING SLEEPING HOURS, VISUAL CHECKS MAY NOT EXCEED FIFTEEN (15) MINUTES. STAFF MUST ASCERTAIN THAT CHILDREN/YOUTH ARE PRESENT IN THEIR ASSIGNED BED.

D. VISUAL CHECKS MAY NEED TO BE CONDUCTED AT MORE FREQUENT INTERVALS AS DETERMINED BY THE CLINICIAN OR DIRECT CARE SUPERVISOR ON SHIFT WHEN A CHILD/YOUTH PRESENTS WITH A HISTORY OF OR CURRENT HIGH-RISK BEHAVIORS, AS IDENTIFIED IN THE

INDIVIDUAL CHILD'S/YOUTH'S PLAN, THAT MAY ENDANGER SELF OR OTHERS. HIGH-RISK BEHAVIORS MAY INCLUDE, BUT ARE NOT LIMITED TO, AGGRESSION, ELOPEMENT, SUICIDAL IDEATIONS, SELF-HARMING BEHAVIORS, AND SEXUALIZED BEHAVIORS.

E. THE FACILITY/AGENCY MUST PROVIDE SUPERVISION AND CARE AS STATED IN THE FACILITY'S WRITTEN POLICIES AND AS STATED IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN. THE FACILITY/AGENCY MUST ALSO PROVIDE ANY SPECIFIC, TIME-LIMITED SAFETY PLANS, AS REQUIRED BY THE CHILD/YOUTH'S BEHAVIOR AND/OR NEEDS.

F. THE USE OF CAMERAS OR RECORDING DEVICES IS PROHIBITED IN CHILDREN'S/YOUTH'S SLEEPING AREAS AND RESTROOMS.

~~**7.705.46 Case Management Staff and Other Professional Staff** [Rev. eff. 7/2/06]~~

~~A. Case management shall be provided by:~~

~~1. A qualified professional having a master's degree in social work, psychology, or child development from a regionally accredited college or university. This professional shall have two years of treatment-oriented experience, or~~

~~2. A designated member of the staff, who shall have a bachelor's degree from a regionally accredited college or university with a major in behavioral science, human services or related fields, and three years experience in with children. and for whom there is an effective arrangement for consultation from a qualified professional as described above.~~

~~3. The qualified professional, as specified in Section 7.705.46,.A,.1, may be a full-time or part-time employee of the facility, a staff member of a recognized agency, or an individual with which the facility has a contract to provide the necessary services and/or consultation.~~

~~4. The ratio of case management staff to children shall be dependent on the type of facility and the needs of the children therein, but there shall be at least one full-time case management staff member for every twenty (20) children, or a part-time staff member assigned for a fraction thereof.~~

~~B. The case management staff shall be responsible for providing case management services as stated at Section 7.705.21.~~

~~C. Psychiatrists used by the child care facility shall be qualified and licensed to practice and shall provide, as needed, diagnosis, treatment, and consultation services.~~

~~D. Psychologists providing testing and diagnostic services shall have a license in psychology.~~

~~E. Other professionals providing specific therapy shall be licensed professionals as designated by Colorado state law.~~

~~**7.705.47 Volunteers and Students [Rev. eff. 11/1/98]**~~

~~A. If volunteers or students are used by a facility, the administration shall define specifically the services to be given by that individual.~~

~~B. Volunteers and students who are assigned to work directly with the children shall:~~

~~1. Be subject to reference checks similar to those performed for employment applicants.~~

~~2. Be in good general health. The facility has the right to contact the individual's physician.~~

~~C. Volunteers and students shall be:~~

~~1. Directly supervised by a paid staff member.~~

~~2. Oriented and trained in the philosophy of the facility, confidential nature of their work, and the specific job which they are to do, prior to assignment.~~

~~**7.705.48 Food Services and Maintenance Staff Members** [Rev. eff. 7/2/06]~~

~~A. All food services and maintenance staff members shall comply with the general requirements for all personnel as specified in Section 7.714.92.~~

~~B. Food service staff of the facility shall meet requirements of the state or local health requirements for food handlers.~~

~~CB. There shall be one food service staff member who has basic knowledge and understanding of nutrition, food purchasing, menu planning. and food preparation. If the staff member is not qualified as a dietitian or nutritionist, there shall be readily available consultation from a specialist in the field.~~

~~DC. Maintenance staff shall be in sufficient numbers to maintain an adequate physical plant.~~

7.705.5 BUILDING AND FACILITIES

7.705.51 Building Plans ~~[Rev. eff. 11/1/98]~~

Prior to construction, architectural plans for new buildings or for extensive remodeling of existing buildings ~~shall~~ MUST be submitted for review and approval by ~~the State Department of Public Health and Environment or its local unit,~~ the local fire department and local building department. IF REQUIRED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE) OR LOCAL PUBLIC HEALTH AGENCY, PLANS MUST BE SUBMITTED FOR REVIEW AND APPROVAL. Plans ~~shall~~ MUST be submitted and reviewed by the DEPARTMENT ~~State Department of Human Services~~ as to appropriateness, general adequacy, and suitability for child care AS WELL AS FOR COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS.

7.705.52 Living Spaces and Equipment Necessary in Residential Child Care FACILITIES ~~[Rev. eff. 11/1/98]~~

A. ~~There shall be separate sleeping rooms for boys and girls~~ ALL CHILDREN'S/YOUTH'S SLEEPING ARRANGEMENTS MUST BE MADE IN CONSIDERATION OF THEIR SELF-IDENTIFIED GENDER. ~~FEMALES, TRANSGENDER, GENDER DIVERSE, OR NON-BINARY CHILDREN/YOUTH MUST BE OFFERED SLEEPING ARRANGEMENTS ACCORDING TO THEIR SELF-IDENTIFIED GENDER.~~ SLEEPING ARRANGEMENTS FOR ALL CHILDREN/YOUTH MUST BE MADE ACCORDING TO THEIR SAFETY, CLINICAL, AND SUPERVISION NEEDS, AS DOCUMENTED IN EACH CHILD'S/YOUTH'S ~~THE~~ INDIVIDUAL CHILD'S/YOUTH'S PLAN. ~~CHILDREN/YOUTH OF DIFFERING GENDER IDENTITIES MAY SLEEP IN THE SAME SLEEPING ROOMS WITH WRITTEN APPROVAL FROM ALL MEMBERS OF THE CHILD'S/YOUTH'S MULTIDISCIPLINARY TEAM, INCLUDING THE CHILD/YOUTH, AND DOCUMENTED IN EACH CHILD'S/YOUTH'S FILE.~~ In sleeping rooms that accommodate two (2) to four (4) children/YOUTH, SIXTY (60) square feet of floor space per child/YOUTH ~~shall~~ MUST be provided. There ~~shall~~ MUST be no more than four (4) children/YOUTH in any bedroom. Each bedroom for single occupancy ~~shall~~ MUST have a minimum of EIGHTY (80) square feet of floor space. CHILDREN/YOUTH MUST NOT BE REQUIRED TO SLEEP IN A COMMON AREA OF THE RESIDENTIAL CHILD CARE FACILITY, OUTSIDE THE SLEEPING ROOMS, UNLESS THE PROCEDURES FOR A RESTRICTION OF A CHILD'S/YOUTH'S RIGHTS FOUND IN SECTION 7.714.31.C-E OR 7.714.33.B IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, ARE FOLLOWED.

1. A CLOSET OR DESIGNATED CONTAINER(S) WITH A MINIMUM ~~Closet space~~ of FOUR (4) square feet per child/YOUTH ~~and drawer space for storage of~~ MUST BE PROVIDED FOR STORAGE OF personal items INSIDE THE SLEEPING ROOM ~~sufficient for the occupants in each sleeping room shall be provided~~. PROVISIONS FOR STORAGE MAY INCLUDE OPEN SHELVING UNITS. A SEPARATE CONTAINER FOR THE STORAGE OF SOILED LAUNDRY MUST BE PROVIDED FOR EACH CHILD/YOUTH.

~~1. Pre-existing licensed facilities with sleeping rooms which accommodate more than four children~~

~~per room shall have permanent or partial partitions to provide separation and privacy between every four beds. Exceptions to space requirements in preexisting licensed facilities shall be approved by the State Department of Human Services.~~

2. CHILDREN/YOUTH WHO ARE NON-AMBULATORY OR HAVE DOCUMENTED LIMITED MOBILITY MUST BE SLEEPING IN ROOMS THAT ARE AT GROUND LEVEL FOR EXITING ACCESS. THE FACILITY MUST COMPLY WITH ALL ACCOMMODATIONS REQUIRED IN THE AMERICANS WITH DISABILITIES ACT (ADA), IF APPLICABLE. ~~Sleeping rooms above or below the floor of exit travel shall not be used for sleeping purposes for children who are non-ambulatory.~~

B. Each child/YOUTH ~~shall~~ MUST be provided suitable sleeping facilities consisting of individual beds or bunks complete with A mattress~~es~~ ~~in good repair and constructed so as to facilitate cleaning while in use by residents and upon each change of occupancy~~. Single beds ~~shall~~ MUST be spaced not closer than THIRTY-SIX (36) inches laterally~~,~~ or end-to-end. Triple-deck bunks are prohibited. Beds being used by children/YOUTH ~~shall~~ MUST have aN IMPERVIOUS, EASILY CLEANABLE mattress cover OR PAD, clean sheets, pillows, pillowcases, and blankets. ALL SLEEPING EQUIPMENT MUST BE MAINTAINED IN A CLEAN AND SANITARY CONDITION AS REQUIRED IN 6 CCR SECTION 1010-7 (2025), ~~RULES AND REGULATIONS GOVERNING THE HEALTH AND SANITATION OF CHILD CARE FACILITIES IN THE STATE OF COLORADO~~ WHICH ARE INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THE REGULATIONS ~~RULES~~ CAN BE FOUND AT https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6576&fileName=6%20CCR%201010-7 COPIES ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING BY CONTACTING THE COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS OR AT ANY STATE PUBLICATIONS LIBRARY DURING REGULAR BUSINESS HOURS.

C. Each room of occupancy ~~shall~~ MUST be ~~well-lighted and~~ adequately ventilated by exterior windows or by an approved air-conditioning system. If a mechanical ventilation system is provided, it ~~shall~~ MUST meet requirements of local building codes and fire regulations.

D. When child care staff live in or sleep at the facility, there ~~shall~~ MUST be at least one (1) room adequately furnished and a private bath facility reserved for child care staff. Arrangements where child care staff share sleeping rooms with children/YOUTH who have special needs ~~shall~~ MUST be approved by the ~~State~~ Department ~~of Human Services~~.

E. WORK AREAS FOR STAFF WHO ARE SUPERVISING YOUTH DURING SLEEPING HOURS ~~Staff rooms shall~~ MUST be located on the same floor or in the general area of children/YOUTH's sleeping rooms so that the child care worker can supervise children/YOUTH and be ~~readily~~ accessible when needed. IF PHYSICAL WORK AREAS ARE NOT LOCATED ON THE SAME FLOOR OR IN THE GENERAL AREA OF CHILDREN'S/YOUTH'S SLEEPING ROOMS, PROVISIONS MUST BE MADE FOR LINE-OF-SIGHT SUPERVISION AT ALL TIMES BETWEEN SLEEPING ROOMS.

F. There ~~shall~~ MUST be a minimum of twenty-five (25) square feet of space for each child/YOUTH for informal individual or group activities. The area ~~shall~~ MUST be adequately and appropriately furnished to accommodate social and recreational activities associated with such living areas.

G. There ~~shall~~ MUST be a designated space distinct from children's/YOUTH'S living areas to serve as an ~~administrative~~ office for ADMINISTRATIVE DUTIES. ~~such activity as secretarial work and bookkeeping.~~

H. There ~~shall~~ MUST be ~~a~~ designated ~~space~~ ROOM(S) to allow private discussions and counseling sessions.

~~I. Each residential facility shall have a telephone. Each separate living unit within a residential facility shall have 24-hour telephone service or an intercom system connected with an outside telephone service. Emergency telephone numbers, including fire, police, physician, poison control, health agency, and ambulance shall be conspicuously posted adjacent to the telephone.~~

7.705.53 Outdoor Space and Equipment ~~[Rev. eff. 10/1/03]~~

A. The grounds of the RESIDENTIAL CHILD CARE facility ~~shall~~ MUST be maintained in a manner that is free from any hazard to health or safety.

~~1. Garbage and rubbish which is stored outside shall be stored securely in noncombustible, covered containers and shall be removed at least once every week or more frequently, if necessary.~~

~~2. Garbage and rubbish containers and incinerators, shall be located separate from play areas.~~

~~3~~1. Fences ~~shall~~ MUST be in good repair. THERE MUST BE AT LEAST ONE (1) FENCE GATE THAT REMAINS UNLOCKED FOR IMMEDIATE EMERGENCY EGRESS. THE DESIGNATED EXIT GATE MAY HAVE TIME-DELAY PANIC HARDWARE PROVIDED THAT SUCH TIME-DELAY PANIC HARDWARE IS APPROVED BY THE FIRE DEPARTMENT HAVING JURISDICTION OVER THE FACILITY.

THE APPROVED EXIT GATE MUST RELEASE AND OPEN AUTOMATICALLY AFTER NO MORE THAN A THIRTY (30) SECOND DELAY WITHOUT CONSTANT PRESSURE BEING APPLIED TO THE GATE LATCH AND MUST REMAIN OPEN FOR AT LEAST FIFTEEN (15) SECONDS. THE APPROVED EXIT GATE CAN NEITHER AUTOMATICALLY RESET ITSELF NOR BE RESET FROM A CENTRAL CONTROL PANEL FOR A PERIOD OF AT LEAST FIFTEEN (15) SECONDS AFTER RELEASE. MAGNETIC LOCKS IN CONJUNCTION WITH TIME-DELAY PANIC HARDWARE THAT MEETS THESE CRITERIA ARE ALLOWED.

~~4~~2. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high voltage boosters~~.~~, or high-speed roads, ~~shall~~ MUST be fenced off or have natural barriers to protect children/YOUTH.

~~5~~3. Playground equipment ~~shall~~ MUST be ~~so~~ located, installed, and maintained ~~as to ensure the safety of children~~ IN COMPLIANCE WITH THE CONSUMER PRODUCTS SAFETY COMMISSION STANDARDS FOR PUBLIC PLAYGROUNDS.

B. A residential CHILD CARE facility ~~shall~~ MUST have access to outdoor recreational space and suitable recreational equipment TO INCLUDE ADAPTIVE RECREATION SPACES AND EQUIPMENT, AS NEEDED, FOR THE CHILDREN/YOUTH IN CARE.

~~C. When a swimming pool is provided, it shall meet the requirements of the Colorado Department of Public Health and Environment or its local unit. Safety precautions shall include protective fencing, winter coverage which shall exclude plastic or inflatable-type domes, and a nonskid surface area of at least four (4) feet adjoining pool sides. The use of the pool shall be in accordance with Section 7.705.22, G.~~

7.705.54 Dining, Kitchen, Laundry, Bathroom Facilities ~~[Rev. eff. 10/1/03]~~

A. The dining area, whether located in the living unit or in a separate central dining facility, ~~shall~~ MUST meet the following requirements AND COMPLY WITH ALL ACCOMMODATIONS REQUIRED IN THE AMERICANS WITH DISABILITIES ACT (ADA), 42 U.S.C. ~~§~~ SECTION 12101 THROUGH SECTION 12213 ~~et seq.~~ (2024)~~(2012)~~, AND ITS IMPLEMENTING REGULATION, 29 C.F.R. PART 1630 (2024), AS INCORPORATED BY REFERENCE IN SECTION 7.701.14, IF APPLICABLE:

1. ~~It shall be well-lighted, properly heated, and ventilated.~~ THE DINING AREA AND KITCHEN SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION, AS REQUIRED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE) IN 6 CCR 1010-7 (2025), AS INCORPORATED IN SECTION 7.705 ABOVE. ~~WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE ALSO AVAILABLE AT NO COST AT HTTP://WWW.SOS.STATE.CO.US.~~

2. It ~~shall~~ MUST be large enough to accommodate the children/YOUTH and staff.

3. Floors ~~shall~~ MUST be constructed and maintained with a non-slipping surface.

4. Tables and chairs ~~shall~~ MUST be of sturdy construction, scaled, or adjusted to the proper height and size so that children/YOUTH can be comfortably served.

5. Table service and settings ~~shall~~ MUST be of the type, size, and design appropriate to the ages AND DEVELOPMENTAL ABILITIES of children/YOUTH served.

6. Dining and recreation areas may be combined if regulations for dining areas are consistently met.

B. The kitchen ~~shall~~ MUST be designed and equipped to meet the requirements of efficiency, fire safety, and comfortable working conditions for the staff. EACH KITCHEN MUST CONTAIN A CO2 OR DRY POWDER FIRE EXTINGUISHER DESIGNED TO EXTINGUISH FIRES INVOLVING ORGANIC SOLIDS, FLAMMABLE LIQUIDS, AND FLAMMABLE GASSES ~~CLASSES A, B AND C FIRES~~. ~~There shall be provision for C0 2 or a dry powder fire extinguisher(s) in the kitchen. If a restaurant type range is used, a hood with a filter must be installed.~~

C. ~~When an institution has a central laundry facility, it shall be located in an area separate from areas occupied by children.~~ Noncommercial types of laundry facilities with ample space for sorting, drying, and ironing ~~shall~~ MUST be made available to children/YOUTH old enough and capable of handling their personal laundry. ~~These~~ LAUNDRY facilities ~~shall~~ MUST BE ~~be in an area supervised by a responsible adult~~ SUPERVISED AS DEFINED IN THE AGENCY'S WRITTEN POLICIES AND PROCEDURES AND BASED ON THE DEVELOPMENTAL LEVEL AND NEEDS OF THE CHILDREN/YOUTH IN CARE. WHEN AN AGENCY HAS A CENTRAL LAUNDRY FACILITY, IT MUST BE LOCATED IN AN AREA SEPARATE FROM AREAS OCCUPIED BY CHILDREN/YOUTH.

D. There ~~shall~~ MUST be a ratio of at least one (1) ACCESSIBLE toilet, ~~lavatory,~~ SINK, bathtub~~,~~ AND ~~or~~ shower for every six (6) children/YOUTH ~~and readily accessible~~. Toilet and bath facilities for ~~boys~~ MALES and ~~girls~~FEMALES and staff ~~shall~~ MUST be separate. Toilet~~s~~ and bath facilities ~~shall~~ MUST have doors or partitions. RESIDENTIAL CHILD CARE FACILITIES (RCCF) LICENSED AFTER JULY 1, 2024 MUST ALSO HAVE AVAILABLE AT LEAST ONE (1) SINGLE OCCUPANCY, GENDER-NEUTRAL TOILET, SINK, AND BATH FACILITY. WHERE POSSIBLE, ALL FACILITIES LICENSED PRIOR TO JULY 1, 2024 MUST ATTEMPT TO PROVIDE A SINGLE OCCUPANCY, GENDER-NEUTRAL TOILET, SINK, AND BATH FACILITY. CHILDREN/YOUTH MUST BE ALLOWED TO USE THE BATHROOM FACILITIES OF THEIR IDENTIFIED GENDER OR USE THE GENDER-NEUTRAL BATHROOM IF THEY PREFER. Urinals may be substituted for up to one-third of the required number of toilets in AREAS OF THE facilit~~ies~~Y IN which MALES SLEEP ~~accept boys~~. TOILET AND BATH/SHOWER AREAS WITH MULTIPLE TOILETS OR SHOWERS IN ONE (1) OPEN AREA MUST HAVE PARTITIONS BETWEEN EACH TOILET OR BATH/SHOWER FIXTURE. Toilet~~s~~ and bath facilities, IF NOT LOCATED WITHIN THE SLEEPING ROOMS, ~~shall~~ MUST be accessible from a common hallway and be on the same floor with sleeping rooms.

7.705.55 Building Safety ~~[Rev. eff. 6/1/12]~~

A. BUILDING SITE

1. THE FACILITY MUST BE LOCATED IN AN AREA THAT IS ACCESSIBLE TO HEALTH RESOURCES, PUBLIC AND PRIVATE UTILITIES, ADEQUATE AND SAFE WATER SUPPLIES, SEWAGE DISPOSAL, AND FIRE AND POLICE PROTECTION. IF HEALTH RESOURCES OR FIRE AND POLICE PROTECTION ARE LIMITED OR NOT AVAILABLE WITHIN A REASONABLE DISTANCE TO THE FACILITY, A PLAN MUST BE SUBMITTED TO THE DEPARTMENT FOR APPROVAL THROUGH THE WAIVER PROCESS, IN ACCORDANCE WITH SECTION 7.701.13. IF HEALTH RESOURCES ARE LIMITED OR NOT AVAILABLE WITHIN A REASONABLE DISTANCE TO THE FACILITY, A PLAN MUST BE SUBMITTED TO THE DEPARTMENT FOR MEDICAL AND MENTAL HEALTH EMERGENCIES AND TO MEET THE NEEDS OF ROUTINE CARE.

2. THE FACILITY SITE MUST BE LOCATED IN ACCORDANCE WITH LOCAL ZONING DEPARTMENT REQUIREMENTS.

3. THE ENTIRE PREMISES OF THE FACILITY IS SUBJECT TO INSPECTION FOR LICENSING PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE RESIDENCE WHERE CARE IS TO BE PROVIDED, THE GROUNDS SURROUNDING THE FACILITY, THE BASEMENT, THE ATTIC (IF ACCESSIBLE), ANY STORAGE BUILDINGS, AND A GARAGE OR CARPORT, IF APPLICABLE.

4. ALL STAIRWAYS CONTAINING MORE THAN FOUR (4) STEPS MUST BE EQUIPPED WITH A HANDRAIL.

5. THE FACILITY MUST HAVE AN ACTIVE, WORKING TELEPHONE. EACH SEPARATE LIVING UNIT WITHIN A FACILITY MUST HAVE TWENTY-FOUR (24)-HOUR TELEPHONE SERVICE OR AN INTERCOM SYSTEM CONNECTED WITH AN OUTSIDE TELEPHONE SERVICE. EACH FACILITY MUST HAVE A BACK-UP FORM OF COMMUNICATION THAT IS DESCRIBED IN THE FACILITY'S DISASTER PLAN AND MAINTAINED IN WORKING CONDITION AT ALL TIMES. EMERGENCY NUMBERS MUST BE POSTED NEAR THE TELEPHONE, INCLUDING THOSE RELATED TO MEDICAL CARE, LOCAL FIRE, LOCAL LAW ENFORCEMENT, AMBULANCE, THE STATEWIDE CHILD ABUSE AND NEGLECT HOTLINE, THE NATIONAL SUICIDE HOTLINE, THE COLORADO CRISIS LINE, SAFE2TELL HOTLINE, AND POISON CONTROL WHERE AVAILABLE. NUMBERS FOR THE AGENCY OR PERSON HAVING LEGAL CUSTODY OF EACH CHILD/YOUTH MUST ALSO BE AVAILABLE.

6. IF THE FACILITY IS LOCATED IN THE SAME BUILDING AS, OR IMMEDIATELY ADJACENT TO, OTHER FACILITIES, AN ADULT TREATMENT CENTER, OR NURSING HOME, IT MUST BE SO ARRANGED THAT THE CARE AND ACTIVITIES OF THE CHILDREN/YOUTH RESIDING IN THE FACILITY ARE COMPLETELY SEPARATE AND INDEPENDENT FROM THE OTHER FACILITY. THE FACILITY MAY NOT BE OPERATED ON THE PREMISES OF A BUSINESS THAT MIGHT BE HAZARDOUS TO THE HEALTH, SAFETY, MORALS, OR WELFARE OF CHILDREN/YOUTH AND THE OPERATION OF THE FACILITY.

7. THE FACILITY, INCLUDING INDOOR AND OUTDOOR SPACE, MUST BE MAINTAINED IN SAFE CONDITION FREE FROM HAZARDS TO HEALTH AND SAFETY.

8. THERE MUST BE OUTDOOR SPACE AVAILABLE TO PROVIDE A RECREATION AREA FOR CHILDREN/YOUTH. THIS AREA MUST BE FENCED IF CHILDREN/YOUTH YOUNGER THAN FIVE (5) YEARS OLD ARE IN CARE OR OLDER CHILDREN/YOUTH WITH DISABILITIES REQUIRE EITHER CONTAINMENT OR PROTECTION FROM OUTSIDE ELEMENTS SUCH AS ANIMALS.

9. IF IN-GROUND SWIMMING POOLS, PERMANENT WADING POOLS, OR ABOVE GROUND POOLS, HOT TUBS, OR SPAS ARE LOCATED ON THE PROPERTY, EACH MUST HAVE A BARRIER ON ALL SIDES AND HAVE A METHOD OF ACCESS THROUGH THE BARRIER EQUIPPED WITH A SAFETY DEVICE, SUCH AS A BOLT LOCK.

~~A~~B. Maintenance

1. Buildings shall be kept in good repair and maintained in a safe condition. Good -housekeeping shall be observed in all areas at all times. NEEDED REPAIRS MUST BE IDENTIFIED REGULARLY AND CORRECTED IMMEDIATELY.

2. All areas OF THE FACILITY available for children's/YOUTH'S activities, INCLUDING EQUIPMENT, MATERIALS, AND FURNISHINGS ~~shall~~ MUST be maintained in safe condition AND FREE FROM HAZARDS SUCH AS SHARP POINTS OR CORNERS, SPLINTERS, PROTRUDING NAILS, AND BROKEN PLAY AND RECREATIONAL EQUIPMENT.~~,~~ THIS ALSO INCLUDES THE ~~including~~ elimination of debris and hazardous items of all kinds~~,~~ and removal of broken play and recreational equipment and any other devices which are in poor repair.

3. Closets, attics, basements, cellars, furnace rooms~~;~~, and exit routes ~~shall~~ MUST be kept free from THE -accumulation of SIGNIFICANT AMOUNTS OF extraneous materials such as discarded furniture, furnishings, newspapers, or magazines THAT COULD POSE A FIRE OR HEALTH HAZARD. Combustibles such as cleaning rags, mops, and cleaning compounds ~~shall~~ MUST be stored in well-ventilated areas. Solutions, cleaning compounds, and other hazardous substances ~~will~~ MUST be properly labeled and stored in areas inaccessible to children.

4. ALL HAZARDOUS CHEMICALS, TOOLS, AND OTHER EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, MATCHES, PAINTS, GASOLINE, SHARP KITCHEN UTENSILS, INSECTICIDES, CLEANING MATERIALS, COMPUTER DUSTER SPRAY, AND PERSONAL HYGIENE OR OTHER PRODUCTS CONTAINING MORE THAN FIVE (5) PERCENT ALCOHOL CONTENT, MUST BE

INVENTORIED AND STORED IN A SECURED, LOCKED AREA. ALL OTHER HOUSEHOLD CHEMICALS, TOOLS, OR OTHER EQUIPMENT MUST BE SECURED OUT OF REACH OF CHILDREN/YOUTH AS DICTATED BY THE LOWEST LEVEL OF FUNCTIONING WITHIN THE FACILITY.

5. WHEN A FACILITY'S PROGRAM DESCRIPTION AND ADMISSION CRITERIA DEFINE THEIR POPULATION AND PROGRAM AS PREPARING FOR INDEPENDENT LIVING WITHIN THE NEXT TWO (2) YEARS, AND THE YOUTH IN THE PROGRAM ARE AT LEAST SEVENTEEN (17) YEARS OF AGE, THE FACILITY MAY PROVIDE LIMITED AMOUNTS OF HOUSEHOLD CLEANERS AND LAUNDRY PRODUCTS ACCESSIBLE TO YOUTH TO PROMOTE INDEPENDENT USE OF THESE PRODUCTS.

~~4~~6. Storage of gasoline, kerosene, fuel oil, and other flammable material ~~shall~~ MUST meet requirements of safety and fire codes. INDOOR STORAGE OF SUCH MATERIALS IS NOT PERMITTED UNLESS FIRE CODE STANDARDS ARE MET.

~~5~~7. Storage ~~shall~~ MUST not be permitted around water heaters and furnaces.

~~B.~~C. Exits

1. Every building or structure~~, new or old, shall~~ MUST be provided with exits sufficient to permit the prompt escape of occupants FROM THE BUILDING AND AWAY FROM THE PREMISES in case of fire or other emergency. Additional safeguards ~~shall~~ MUST be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure. THE FACILITY MUST COMPLY WITH ALL ACCOMMODATIONS REQUIRED IN THE AMERICANS WITH DISABILITIES ACT (ADA), 42 U.S.C. ~~§~~ SECTION 12101 THROUGH SECTION 12213 ~~et seq.~~ (2024)~~(2012)~~, AND ITS IMPLEMENTING REGULATION, 29 C.F.R. PART 1630 (2025), AS INCORPORATED BY REFERENCE IN SECTION 7.701.14 IF APPLICABLE.

2. Each RESIDENTIAL CHILD CARE facility (RCCF) ~~shall~~ MUST have at least two (2) approved, alternate, remotely-located means of egress from each floor of the building to safe and open space at ground level.

3. Egress from each dwelling unit, sleeping room, and dormitory ~~shall~~ MUST be directly available without passage through another dwelling or rooming unit to the outside or to a common hallway leading to the outside. IF A FACILITY UTILIZES A VESTIBULE OR COMMON HALLWAY TO MOVE FROM ONE AREA TO ANOTHER, ANY DOORS BLOCKING THAT VESTIBULE MUST REMAIN OPEN AND UNLOCKED TO ALLOW FOR EGRESS.

4. In residential child care facilities (RCCF) ~~approved as a therapeutic residential child care facility or psychiatric residential treatment facility~~, time-delay, panic hardware utilizing NO MORE THAN THIRTY (30)~~- to 90~~ second delays before release may be installed on the ~~two~~ ONE (1) approved exit door~~s~~ on each floor of the facility, provided that such time-delay, panic hardware is approved by the fire department having jurisdiction over the facility.

   The ~~two~~ ONE (1) approved exit door~~s~~ on each floor must release and open automatically after NO MORE THAN ~~the~~ A THIRTY (30)~~- to 90~~ second delay without constant pressure being applied to the door~~s~~ and must remain open for at least FIFTEEN (15) seconds. The ~~two~~ ONE (1) approved exit door~~s~~ on each floor can neither automatically reset themselves nor be reset from a central control panel for a period of at least FIFTEEN (15) seconds after release. Magnetic locks in conjunction with time-delay panic hardware that meets these criteria are allowed. DELAYED EGRESS IS ONLY PERMITTED IN BUILDINGS SET UP WITH SPRINKLER SYSTEMS, AND THE LOCKS MUST RELEASE UPON ACTIVATION OF THE FIRE SYSTEM.

5. In every building or structure, exits ~~shall~~ MUST be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening DEVICE to prevent free escape from the inside of any building ~~shall~~ CAN be installed~~,~~ unless specifically authorized pursuant to Section 7.714.53. ALL EXIT DOORS MUST BE EQUIPPED WITH SINGLE-ACTION HARDWARE ONLY.

6. Every exit ~~shall~~ MUST be clearly visible, or the route to reach it ~~shall~~ MUST be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will ~~readily~~ know the direction of escape from any point. Each path of escape ~~shall~~ MUST be so arranged or marked that the way to a place of safety outside is unmistakable.

7. In every building or structure, adequate and reliable illumination ~~shall~~ MUST be provided for all exit facilities. LIGHTING MUST BE TESTED MONTHLY AND MAINTAINED.

8. Every building or structure ~~shall~~ MUST be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

9. Compliance with this rule ~~shall~~ MUST not be construed as eliminating or reducing the necessity for other provisions for safety of persons using a structure under normal occupancy conditions, nor shall any provision of this rule be construed as requiring or permitting any condition that may be hazardous under normal occupancy conditions.

10. The local fire department ~~shall~~ MUST determine the adequacy of exits and other measures for life safety in accordance with the requirements of the ~~Uniform Building Code~~ INTERNATIONAL BUILDING CODES and the National Fire Protection ASSOCIATION Codes. In cases of practical difficulty or unnecessary hardship, the local fire department may grant exceptions from the ~~Uniform Building Code~~ INTERNATIONAL BUILDING CODES or the National Fire Protection ASSOCIATION Codes, but only when it is clearly evident that reasonable safety is thereby secured.

~~C.~~D. Electrical Equipment

1. Electrical wiring systems in all buildings ~~shall~~MUST conform to the requirements of the state electrical board. Electrical appliances ~~shall~~MUST be examined frequently for worn or otherwise defective wiring.

2. NO MORE THAN ONE (1) EXTENSION CORD OR POWER STRIP MAY BE CONNECTED BETWEEN AN ELECTRICAL APPLIANCE AND THE WALL OUTLET.

~~D.~~E. General Safety Practices

1. A residential CHILD CARE facility (RCCF) ~~shall~~ MUST immediately notify the responsible EMERGENCY agency or department of a fire or other disaster which might endanger children/YOUTH or require their removal for reasons of health and safety. The Department of Human Services ~~shall~~ MUST be immediately notified of a fire or other disaster IN ACCORDANCE WITH REPORTING REQUIREMENTS OUTLINED IN SECTION 7.701.52.

2. Security guards patrolling the grounds and structures of a residential CHILD CARE facility, whether employed by the facility or by a security service under contract to the facility, ~~shall~~ MUST not be permitted to be in possession of any firearm, TASER, KNIVES, or chemical weapon on the grounds or within the structures of the facility.

3. Porches, elevated walkways, and elevated play areas within a residential CHILD CARE facility ~~shall~~ MUST have barriers to prevent falls.

4. Power-driven equipment used by a residential CHILD CARE facility ~~shall~~ MUST be kept in safe and good repair. Such equipment ~~shall~~ MUST be used by children/YOUTH only under the direct supervision of a staff member and according to State law. THE IGNITION KEYS FOR POWER-DRIVEN EQUIPMENT AND VEHICLES MUST BE INVENTORIED DAILY AND STORED IN AN AREA INACCESSIBLE TO CHILDREN/YOUTH.

5. Staff and children/YOUTH ~~shall~~ MUST be trained to report fires and other emergencies appropriately. Children/YOUTH and staff ~~shall~~ MUST be trained in fire prevention, INCLUDING PROPER UTILIZATION OF FIRE EXTINGUISHERS AND PROPER STORAGE OF COMBUSTIBLES IN PROXIMITY TO IGNITION SOURCES.

6. In every building or structure, fire alarm facilities ~~shall~~ MUST be provided to warn occupants of the existence of fire so that they may escape or to facilitate the orderly conduct of fire exit drills. FIRE ALARMS MUST BE MAINTAINED IN ACCORDANCE WITH INTERNATIONAL FIRE CODE AND MANUFACTURER STANDARDS.

7. Responsibility for the planning, ~~and~~ conductING, EVALUATING, AND DOCUMENTING of fire drills ~~shall~~ MUST be assigned to AN INDIVIDUAL STAFF MEMBER. ~~competent persons qualified to exercise leadership.~~

8. A residential CHILD CARE facility (RCCF) ~~shall~~ MUST maintain an active safety program, including investigation of all accidents and recommendations for prevention.

9. SMOKING, INCLUDING VAPING, IS PROHIBITED IN ALL AREAS OF THE LICENSED FACILITY, INCLUDING ALL BUILDINGS, VEHICLES, GROUNDS, OR AREAS OTHERWISE OWNED OR CONTROLLED BY THE FACILITY AS FURTHER OUTLINED IN SECTION 25-14-103.5, C.R.S.

   A. SMOKING, INCLUDING VAPING, IS PROHIBITED BY CHILDREN/YOUTH, STAFF MEMBERS, VISITORS, OR OTHER INDIVIDUALS AT THE FACILITY, ON THE GROUNDS OF THE FACILITY, OR IN AN OFFSITE LOCATION IN WHICH THE CHILDREN/YOUTH ARE TRANSPORTED OR ATTENDING. STAFF SHALL NOT USE TOBACCO PRODUCTS WITH CHILDREN/YOUTH AT THE FACILITY OR OFF GROUNDS.

   B. NO TOBACCO OR NICOTINE PRODUCTS WILL BE STORED BY THE FACILITY FOR OFF GROUNDS USE BY THE CHILDREN/YOUTH.

   C. NICOTINE PRODUCTS USED TO AID IN THE PROCESS OF QUITTING SMOKING MAY BE STORED AT THE FACILITY IF APPROVED BY THE CHILD'S/YOUTH'S MULTIDISCIPLINARY TEAM, PARENT(S) AND/OR GUARDIAN(S), AND THE FACILITY STAFF.

10. A FACILITY MUST NOT MAINTAIN ANY WEAPONS, SUCH AS FIREARMS, AIR RIFLES, AIR SOFT OR BB GUNS, HUNTING BOWS, HUNTING KNIVES, OR HUNTING SLINGSHOTS ON THE GROUNDS OR WITHIN THE STRUCTURE OF THE FACILITY. A FACILITY MUST NOT PERMIT ANY STAFF MEMBER OR CHILD/YOUTH TO BE IN POSSESSION OF ANY FIREARM ON THE GROUNDS OR WITHIN THE STRUCTURES OF THE FACILITY. CHEMICAL WEAPONS, EVEN WHEN CARRIED BY STAFF MEMBERS TO AND FROM WORK FOR PROTECTION, MUST BE IN A SECURE, LOCKED LOCATION WHEN PRESENT AT THE FACILITY. WEAPONS MUST NOT BE TRANSPORTED IN ANY VEHICLE IN WHICH CHILDREN/YOUTH ARE RIDING. LAW ENFORCEMENT PROFESSIONALS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION IF CONDITIONS OF THEIR EMPLOYMENT REQUIRE THEM TO CARRY WEAPONS.

F. FIRE SAFETY

1. FIRE HAZARDS, SUCH AS DEFECTIVE ELECTRICAL APPLIANCES AND ELECTRIC CORDS, DANGEROUS OR DEFECTIVE HEATING EQUIPMENT, OR FLAMMABLE MATERIAL STORED IN SUCH A MANNER AS TO CREATE A RISK OF FIRE MUST BE CORRECTED OR ELIMINATED.

2. THE FACILITY MUST CONTAIN AT LEAST ONE (1) U.L.-APPROVED FIRE EXTINGUISHER ON EACH FLOOR OF THE FACILITY AND IN THE KITCHEN THAT IS HIGHLY VISIBLE, EASILY ACCESSIBLE, AND IN WORKING CONDITION, WEIGHING NOT LESS THAN FIVE (5) POUNDS, THAT HAS A RATING OF 2A, 10BC. EXTINGUISHERS ARE REQUIRED TO BE MAINTAINED ANNUALLY.

3. A SMOKE DETECTOR, IN WORKING CONDITION, MUST BE INSTALLED ON EACH LEVEL OF THE FACILITY WHERE CHILD CARE OCCURS AND NEAR SLEEPING AREAS, AND AT LEAST ONE (1) CARBON MONOXIDE DETECTOR MUST BE INSTALLED PER FLOOR, PER MANUFACTURER DIRECTIONS, IN THE FACILITY.

4. ALL HEATING UNITS, GAS OR ELECTRIC, MUST BE INSTALLED AND MAINTAINED WITH SAFETY DEVICES TO PREVENT FIRE, EXPLOSIONS, OR OTHER HAZARDS. NO GAS OR ELECTRIC SPACE HEATERS, OPEN-FLAME GAS OR OIL STOVES, HOT PLATES, OR UNVENTED HEATERS MAY BE USED IN THE FACILITY FOR HEATING PURPOSES.

5. FLAMMABLES, AEROSOL PAINTS, INSECTICIDES, CHEMICALS, AND OTHER DANGEROUS MATERIALS MUST BE LOCKED OR STORED SO THAT THEY ARE INACCESSIBLE TO CHILDREN/YOUTH AND MUST BE STORED IN AREAS SEPARATED FROM SLEEPING OR LIVING AREAS WITH A FIRE RESISTANCE BARRIER OF AT LEAST ONE (1) HOUR. NO MORE THAN TEN (10) GALLONS OF FLAMMABLE OR COMBUSTIBLE LIQUIDS MAY BE STORED OUTSIDE A FLAMMABLE CABINET WITH THE EXCEPTION OF MATERIALS STORED IN AN APPROVED SAFETY CAN. A “SAFETY CAN” MEANS AN APPROVED CONTAINER, OF NOT MORE THAN FIVE (5) GALLON CAPACITY, HAVING A SPRING-CLOSING LID AND SPOUT COVER AND SO DESIGNED THAT IT WILL SAFELY RELIEVE INTERNAL PRESSURE WHEN SUBJECTED TO FIRE EXPOSURE.

6. HEATING DEVICES SUCH AS RADIATORS, REGISTERS, FIREPLACES, AND STEAM AND HOT WATER PIPES THAT POSE A FIRE OR BURN HAZARD TO CHILDREN/YOUTH MUST BE SCREENED OR OTHERWISE PROTECTED.

7. FLAMMABLE MATERIAL MUST NOT BE STORED NEAR A FURNACE, HOT WATER HEATER, OR OTHER HEATING DEVICE.

8. THERE MUST BE NO CANDLES OR OTHER HIGHLY FLAMMABLE OBJECTS PERMITTED IN SLEEPING AREAS.

9. EXIT DOORS MUST BE OBVIOUS, CLEARLY IDENTIFIED AS AN EXIT, AND MARKED BY AN APPROVED SIGN THAT IS CLEARLY VISIBLE FROM ANY DIRECTION OF EXIT ACCESS. NO LOCK OR FASTENING TO PREVENT FREE ESCAPE FROM THE INSIDE OF ANY ROOM USED BY THE CHILDREN/YOUTH MAY BE PERMITTED EXCEPT FOR A DEPARTMENT-APPROVED SECLUSION ROOM AS OUTLINED IN SECTIONS 7.714.54 THROUGH 7.714.549 ~~7.705.55.C.4~~.

10. EXIT ROUTES MUST BE KEPT FREE OF ANY BARRIERS TO FREE ESCAPE INCLUDING, BUT NOT LIMITED TO, DISCARDED FURNITURE, FURNISHINGS, LAUNDRY, AND STACKS OF NEWSPAPERS OR MAGAZINES THAT COULD INTERFERE WITH THE PROMPT EVACUATION OF THE FACILITY.

11. ALL FENCING AROUND THE PERIMETER OF THE PROPERTY MUST HAVE AT LEAST ONE (1) EXIT GATE, AND THE GATE(S) MUST REMAIN UNLOCKED AT ALL TIMES TO ALLOW UNOBSTRUCTED EGRESS FROM THE FACILITY AND GROUNDS IN CASE OF AN EMERGENCY. THE GATE MUST BE CLEARLY MARKED AND EASILY ACCESSIBLE.

G. DISASTER DRILLS

1. THERE MUST BE WRITTEN PROCEDURES FOR STAFF AND CHILDREN/YOUTH TO FOLLOW IN CASE OF EMERGENCY OR DISASTER SPECIFIC TO OCCUPANCY TYPE. THESE PROCEDURES MUST BE DEVELOPED BY THE FACILITY WITH THE ASSISTANCE OF QUALIFIED FIRE AND SAFETY PERSONNEL AND MUST INCLUDE PROVISIONS FOR STAFF ROLES AND RESPONSIBILITIES DURING AN EMERGENCY, EVALUATION OF THE FACILITY, AND THE ASSIGNMENT OF A CENTRAL MEETING PLACE WHERE EACH INDIVIDUAL MAY BE ACCOUNTED FOR.

2. FIRE EXIT DRILLS, TO INCLUDE WILDLAND FIRE DRILLS WHERE APPROPRIATE, MUST BE HELD ON EACH SHIFT ON A ROTATING BASIS WITH NO LESS THAN ONE (1) DRILL PER SHIFT AT LEAST EVERY SIX (6) MONTHS SO THAT ALL OCCUPANTS ARE FAMILIAR WITH THE DRILL PROCEDURE AND THEIR CONDUCT DURING A DRILL IS A MATTER OF ESTABLISHED ROUTINE.

3. DRILLS MUST BE HELD AT UNEXPECTED TIMES AND UNDER VARYING CONDITIONS TO

SIMULATE THE CONDITIONS OF AN ACTUAL FIRE.

4. DRILLS MUST EMPHASIZE ORDERLY EVACUATION UNDER PROPER DISCIPLINE RATHER THAN SPEED. RUNNING OR HORSEPLAY MUST NOT BE PERMITTED.

5. DRILLS MUST INCLUDE SUITABLE PROCEDURES FOR ENSURING THAT ALL PERSONS IN THE FACILITY ACTUALLY PARTICIPATE.

6. A RECORD OF FIRE DRILLS HELD OVER THE PAST TWELVE (12) MONTHS MUST BE MAINTAINED BY THE FACILITY ON THE DRILL LOG, INCLUDING THE DATE AND TIME OF THE DRILL, THE AMOUNT OF TIME TAKEN TO EVACUATE THE FACILITY, NUMBER OF CHILDREN/YOUTH AND STAFF PARTICIPATING IN THE DRILL, AND ANY INCIDENTS OR CONDITIONS OF THE DRILL THAT NEED FOLLOW-UP FOR SAFETY PURPOSES.

7. FIRE ALARM SYSTEMS MUST BE REGULARLY USED IN THE CONDUCT OF DRILLS. ACCIDENTAL ACTIVATION OF THE SYSTEM WILL NOT COUNT AS A DRILL.

8. THE FACILITY MUST MAKE SPECIAL PROVISIONS FOR THE EVACUATION OF ANY PHYSICALLY HANDICAPPED CHILDREN/YOUTH IN THE FACILITY.

9. THE FACILITY MUST TAKE SPECIAL CARE TO HELP CHILDREN/YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES UNDERSTAND THE NATURE OF SUCH DRILLS.

10. IF APPROPRIATE TO THE LOCATION OF THE FACILITY, TORNADO DRILLS OR DRILLS FOR THOSE FACILITIES IN WILDLAND URBAN INTERFACES (WUIS) MUST BE HELD OFTEN ENOUGH SO THAT ALL OCCUPANTS ARE FAMILIAR WITH THE DRILL PROCEDURE AND CONDUCT DURING A DRILL IS A MATTER OF ESTABLISHED ROUTINE. A RECORD OF TORNADO DRILLS OR WILDLAND URBAN INTERFACE (WUI) DRILLS HELD OVER THE PAST TWELVE (12) MONTHS MUST BE MAINTAINED BY THE FACILITY.

11. LOCKDOWN DRILLS MUST BE COMPLETED AT LEAST ONCE EVERY SIX (6) MONTHS SO THAT ALL OCCUPANTS ARE FAMILIAR WITH THE PROCEDURE IF THERE WERE TO BE A POSSIBLE THREAT WITHIN THE BUILDING. STAFF ARE INSTRUCTED TO BRING CHILDREN/YOUTH INSIDE A ROOM AND LOCK THE DOOR. CHILDREN/YOUTH ARE INSTRUCTED TO GO TO A SAFE SPACE IN THE ROOM AND REMAIN QUIET UNTIL FIRST RESPONDERS GIVE AN “ALL CLEAR”.

12. A RECORD OF LOCKDOWN DRILLS HELD OVER THE PAST TWELVE (12) MONTHS MUST BE MAINTAINED BY THE FACILITY ON A DRILL LOG, INCLUDING THE DATE AND TIME OF THE DRILL, THE AMOUNT OF TIME TAKEN TO EVACUATE THE FACILITY, NUMBER OF CHILDREN/YOUTH AND STAFF PARTICIPATING IN THE DRILL, AND ANY INCIDENTS OR CONDITIONS OF THE DRILL THAT NEED FOLLOW-UP FOR SAFETY PURPOSES.

7.705.56 TRANSPORTATION

A. A FACILITY MUST ENSURE THAT EACH CHILD/YOUTH IS PROVIDED WITH THE TRANSPORTATION NECESSARY FOR IMPLEMENTING THE CHILD’S/YOUTH’S INDIVIDUAL PLAN.

B. A FACILITY MUST HAVE MEANS OF TRANSPORTING CHILDREN/YOUTH IN CASES OF EMERGENCY.

C. ANY VEHICLE USED BY THE FACILITY IN TRANSPORTING CHILDREN/YOUTH IN CARE, WHETHER SUCH VEHICLE IS OPERATED BY A STAFF MEMBER OR ANY OTHER PERSON ACTING ON BEHALF OF THE FACILITY, MUST BE PROPERLY LICENSED, INCLUDING CURRENT REGISTRATION AND INSURANCE ON FILE AT THE AGENCY/FACILITY, AND THE VEHICLE MUST BE MAINTAINED IN ACCORDANCE WITH COLORADO LAW.

D. ANY STAFF MEMBER OR OTHER PERSON ACTING ON BEHALF OF THE FACILITY OPERATING A VEHICLE FOR THE PURPOSE OF TRANSPORTING CHILDREN/YOUTH MUST BE PROPERLY

LICENSED TO OPERATE THE CLASS OF VEHICLE IN ACCORDANCE WITH COLORADO LAW.

E. ALL PASSENGERS IN THE VEHICLE MUST BE PROPERLY FASTENED INTO A RESTRAINT SYSTEM THAT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS PURSUANT TO COLORADO LAW.

F. A FACILITY MUST NOT ALLOW THE NUMBER OF PERSONS IN ANY VEHICLE USED TO TRANSPORT CHILDREN/YOUTH TO EXCEED THE NUMBER OF AVAILABLE SEATS WITH FULLY FUNCTIONING SEATBELTS IN THE VEHICLE.

1. ALL SEATS IN VEHICLES USED TO TRANSPORT CHILDREN/YOUTH MUST BE FORWARD-FACING AND MUST BE SECURELY FASTENED TO THE VEHICLE BODY.

2. A SEAT BELT OR BOOSTER SEAT FOR CHILDREN/YOUTH UNDER FORTY (40) POUNDS MUST BE PROVIDED FOR EACH SEAT.

3. ONLY THE NUMBER OF PASSENGERS THAT CAN BE COMFORTABLY SEATED ON PASSENGER SEATS SHALL BE PERMITTED IN THE VEHICLE.

4. EACH OCCUPANT MUST BE SITTING WHEN THE VEHICLE IS MOVING.

5. PASSENGERS MUST NOT SIT ON THE FLOOR.

G. THE VEHICLE MUST BE ENCLOSED AND PROVIDED WITH DOOR LOCKS AND CONTAIN A FIRST AID KIT AND FIRE EXTINGUISHER.

H. A FACILITY MUST ASCERTAIN THE NATURE OF ANY NEED OR PROBLEM OF A CHILD/YOUTH WHICH MIGHT CAUSE DIFFICULTY DURING TRANSPORTATION, SUCH AS SEIZURES, A TENDENCY TOWARD MOTION SICKNESS, OR IDENTIFIED BEHAVIORS THAT WOULD PLACE THE DRIVER OR OTHER CHILDREN/YOUTH IN THE VEHICLE AT RISK. THE FACILITY MUST COMMUNICATE THIS INFORMATION TO THE DRIVER OF ANY VEHICLE TRANSPORTING THE CHILDREN/YOUTH IN CARE.

I. THE FACILITY MUST HAVE NALOXONE AVAILABLE ONSITE AND IN FACILITY VEHICLES AT ALL TIMES. ALL STAFF MUST BE TRAINED ON HOW TO USE NALOXONE. CERTIFICATES OF TRAINING MUST BE KEPT IN EACH STAFF FILE.

7.705.6 POLICIES AND PROCEDURES

ALL POLICIES AND PROCEDURES MUST BE IN WRITTEN FORM AND AVAILABLE TO THE DEPARTMENT FOR REVIEW UPON REQUEST. STAFF MUST BE TRAINED TO AND ADHERE TO ALL WRITTEN POLICIES AND PROCEDURES IMPLEMENTED BY THE FACILITY.

ALL POLICIES AND PROCEDURES MUST BE CONSISTENT WITH THE CHILD/YOUTH RIGHTS OUTLINED IN SECTION 7.714.31. ADDITIONALLY, POLICIES AND PROCEDURES MUST BE CONSISTENT WITH REQUIREMENTS OUTLINED IN SECTIONS 7.714.33 THROUGH 7.714.34 AND SECTION 19-7-101(2), C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

7.705.61 CHILD'S/YOUTH'S RIGHTS

A. CHILDREN'S/YOUTH'S RIGHTS ARE LISTED IN SECTIONS 7.714.31 THROUGH 7.714.34.

B. ALL POLICIES AND PROCEDURES MUST BE CONSISTENT WITH THE RIGHTS OUTLINED IN SECTION 7.714.31. ADDITIONALLY, POLICIES AND PROCEDURES MUST BE CONSISTENT WITH RIGHTS OUTLINED IN SECTION 7.714.33 AND SECTION 19-7-101(2), C.R.S. IF THE CHILD/YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM. ~~THE FACILITY MUST HAVE WRITTEN POLICIES AND PROCEDURES THAT ADDRESS AND ENSURE THE AVAILABILITY OF EACH OF THE CORE RIGHTS FOR CHILDREN/YOUTH IN RESIDENCE,~~

~~OUTLINED IN SECTION 7.714.31.B.~~

~~C~~B. FOR RIGHTS LISTED IN SECTION 7.714.31, THE FACILITY MUST HAVE WRITTEN POLICIES FOR ANY RESTRICTIONS OR LIMITATIONS TO A CHILD'S/YOUTH'S RIGHT, AND ANY RESTRICTIONS OR LIMITATIONS MUST ONLY LIMIT A CHILD'S/YOUTH'S RIGHTS TO ENSURE THE SAFETY OF THE CHILD/YOUTH. ~~S AS LISTED IN SECTION 7.714.31.B AND MUST ONLY LIMIT A CHILD'S/YOUTH'S RIGHTS TO ENSURE THE SAFETY OF THE CHILD/YOUTH. THE CHILDREN'S/YOUTH'S RIGHTS OUTLINED IN 7.714.31.B MAY BE LIMITED TO REASONABLE PERIODS DURING THE DAY OR RESTRICTED ONLY ACCORDING TO WRITTEN POLICIES OF THE FACILITY.~~ IF A FACILITY ENFORCES ANY RESTRICTIONS UPON THE CHILD'S/YOUTH'S RIGHTS, THE FACILITY MUST FOLLOW GUIDELINES AS OUTLINED IN SECTIONS 7.714.31.C THROUGH 7.714.31.E. WRITTEN POLICIES MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST. ~~AND MUST INCLUDE, AT A MINIMUM:~~

~~1. PLANS FOR HOW AND WHEN TELEPHONE, EMAIL, TEXT, AND WRITTEN COMMUNICATIONS WILL TAKE PLACE.~~

~~2. PLANS FOR REGULAR VISITS OF THE CHILD/YOUTH WITH RELATIVES, FRIENDS, OR SIGNIFICANT OTHERS, BOTH WITHIN AND OUTSIDE OF THE FACILITY, UNLESS IN THE JUDGMENT OF TREATMENT STAFF AND THE PLACING AGENCY VISITS WOULD BE DETRIMENTAL TO THE CHILD/YOUTH AND/OR THEIR FAMILY.~~

~~3. PLANS FOR EXTENUATING CIRCUMSTANCES AND EMERGENCY SITUATIONS AFFECTING THE CHILD/YOUTH AND THEIR FAMILY.~~

~~4. THE REQUIREMENT THAT THE FACILITY NOTIFY THE CHILD/YOUTH, IF APPROPRIATE TO THE AGE OF THE CHILD/YOUTH, AND THEIR PARENT(S) OR GUARDIAN(S) AT THE TIME OF ADMISSION OF ANY POLICY THAT WOULD LIMIT OR RESTRICT THE CHILD'S/YOUTH'S RIGHTS. THE NOTIFICATION MUST BE COMMUNICATED IN A LANGUAGE OR MODE OF COMMUNICATION THE CHILD/YOUTH AND THEIR CUSTODIAN(S) CAN UNDERSTAND. IT MUST BE PROVIDED TO THE CHILD/YOUTH AT THE TIME OF THEIR ORIENTATION.~~

D. FOR RIGHTS LISTED IN SECTION 7.714.33 AND SECTION 19-7-101, C.R.S., ALL RIGHTS LIMITATIONS OR DENIALS MUST GO THROUGH THE JUDICIAL SYSTEM. A JUVENILE COURT SHALL NOT LIMIT OR DENY A CHILD'S/YOUTH'S RIGHTS UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THERE ARE EXTRAORDINARY CIRCUMSTANCES AND THE LIMITATIONS OR DENIAL IS NECESSARY FOR THE SAFETY OF THE CHILD/YOUTH IN FOSTER CARE.

E~~C~~. THE FACILITY MUST HAVE WRITTEN POLICIES REGARDING MONIES EARNED AND SPENT.

ALL POLICIES AND PROCEDURES MUST BE CONSISTENT WITH THE CHILD/YOUTH RIGHTS OUTLINED IN SECTION 7.714.31. ADDITIONALLY, POLICIES AND PROCEDURES MUST BE CONSISTENT WITH REQUIREMENTS OUTLINED IN SECTIONS 7.714.33 THROUGH 7.714.34 AND SECTION 19-7-101(2), C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

7.705.62 INDIVIDUAL CHILD'S/YOUTH'S PLAN

A. THE FACILITY MUST HAVE WRITTEN POLICIES CONCERNING THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING SECTIONS 19-7-101(2)(b)(X) AND 19-7-101(2)(h)(V), C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

ALL ~~THE~~ WRITTEN POLICIES MUST INCLUDE THE FOLLOWING:

1. STAFF RESPONSIBILITY FOR PLANNING AND IMPLEMENTATION OF THE TREATMENT

PROCEDURES AND TECHNIQUES;

2. THE RANGE OF PROCEDURES AND TECHNIQUES TO BE USED AND THE ANTICIPATED RANGE OR TYPES OF BEHAVIOR OR CONDITIONS FOR WHICH SUCH PROCEDURES AND TECHNIQUES ARE TO BE USED, INCLUDING PHILOSOPHY OF TREATMENT, MODES OF THERAPY, TREATMENT MODALITIES, POSITIVE BEHAVIOR INTERVENTION, PROBLEM MANAGEMENT, DISCIPLINE, PHYSICAL RESTRAINT, AND SECLUSION, WHERE ALLOWED AND APPROVED BY LAW ~~THE DEPARTMENT~~;

3. THE FACILITY'S RESPONSIBILITY FOR MONITORING THE SAFETY OF THE CHILDREN/YOUTH DURING TREATMENT;~~.~~

4. REVIEW PROCEDURES FOR ENSURING THE APPROPRIATENESS OF THE ONGOING TREATMENT AND PLACEMENT FOR EACH CHILD/YOUTH;~~.~~

5. POLICIES AND PROCEDURES REQUIRING TERMINATION OF THE TREATMENT PROCEDURES IN THE EVENT OF ACHIEVEMENT OF GOALS IDENTIFIED FOR SUCCESSFUL COMPLETION OF TREATMENT OR WHEN THE PROCEDURES ARE PROVING TO BE INEFFECTIVE OR DETRIMENTAL FOR A PARTICULAR CHILD/YOUTH;~~.~~

5. POLICIES AND PROCEDURES FOR ENSURING THE CHILD/YOUTH, THEIR FAMILY OF ORIGIN, AND/OR OTHER SUPPORT PERSONS ARE INVOLVED IN THE DEVELOPMENT OF AND REVISIONS MADE TO THE INDIVIDUAL CHILD'S/YOUTH'S PLAN AND CONSENT TO ITS CONTENT, CONSISTENT WITH STATE AND FEDERAL LAW;~~.~~

6. POLICIES AND PROCEDURES FOR ENSURING THE CHILD/YOUTH, THEIR FAMILY OF ORIGIN, AND/OR OTHER SUPPORT PERSONS ARE INVOLVED IN THE DEVELOPMENT OF AND REVISIONS MADE TO THE INDIVIDUAL CHILD'S/YOUTH'S PLAN AND CONSENT TO ITS CONTENT;~~.~~

7. POLICIES AND PROCEDURES ON HOW THE FACILITY/AGENCY MONITORS THE ONGOING PHYSICAL AND EMOTIONAL SAFETY AND THE PRIVACY OF A CHILD/YOUTH DURING TREATMENT OR THERAPY, INCLUDING FACE-TO-FACE OR VIRTUAL TELEHEALTH INTERACTIONS(S) WITH THE CHILD/YOUTH;~~.~~

8. REQUIREMENTS, WHERE APPROPRIATE, FOR MEDICAL EXAMINATION OF A CHILD/YOUTH PRIOR TO IMPLEMENTATION OF A TREATMENT STRATEGY ON A REGULAR BASIS;~~.~~

9. POLICIES AND PROCEDURES ON HOW THE FACILITY WILL MONITOR AND ANALYZE THE FACILITY'S TREATMENT PROGRAM AND STRATEGIES, INCLUDING HOW THE FACILITY WILL ASSESS THE OVERALL EFFECTIVENESS OF THE TREATMENT PROGRAM;~~.~~ AND

10. EACH FACILITY MUST ADOPT AND IMPLEMENT A WRITTEN POLICY FOR CONTINUITY OF RESIDENT CARE WHICH INCLUDES, AT A MINIMUM, THE FOLLOWING:

    a. EASE OF RESIDENT MOVEMENT FROM ONE ELEMENT OF SERVICE TO ANOTHER ONE WITHIN THE FACILITY~~.~~; AND

    b. PLANS FOR DISCHARGE, AFTERCARE, MEDICATION MANAGEMENT, AND REFERRALS TO COMMUNITY RESOURCES AS A COMPONENT OF THE INDIVIDUAL CHILD'S/YOUTH'S PLAN AS OUTLINED IN SECTION 7.714.4.B AND ELEMENTS OF A DISCHARGE SUMMARY AS FOUND IN SECTION 7.714.85.I~~6~~. ANY RECOMMENDATIONS MUST INVOLVE THE FAMILY OF ORIGIN OR OTHER SUPPORTIVE INDIVIDUALS AS DEFINED IN SECTION 7.714.4.B.2 IF ACTIVELY PARTICIPATING IN TREATMENT.

7.705.63 POLICIES FOR ADMISSION, DISCHARGE, AND CONFIDENTIALITY OF CHILD/YOUTH FILES

A. EACH FACILITY MUST DEVELOP AND ADHERE TO WRITTEN ADMISSION POLICIES. SUCH POLICIES MUST BE PROVIDED TO THE REFERRING AGENCIES AND PARENT(S) AND/OR GUARDIAN(S) OF THE CHILD/YOUTH REFERRED FOR PLACEMENT.

ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD'S/YOUTH'S RIGHTS AND REQUIREMENTS OUTLINED IN SECTION 19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

ALL POLICIES, AT A MINIMUM, MUST INCLUDE:

1. POLICIES RELATED TO INTAKE, INCLUDING HOW THE FACILITY ASSESSES AND PROVIDES FOR THE CHILD'S/YOUTH'S IMMEDIATE BASIC NEEDS OF CLOTHING, FOOD, AND MEDICAL CARE, AND IDENTIFICATION OF ALL DOCUMENTS THAT NEED TO BE COMPLETED UPON ADMISSION. DOCUMENTS MUST INCLUDE, WHERE APPLICABLE, BUT ARE NOT LIMITED TO:

    A. WHEN CONSISTENT WITH STATE AND FEDERAL LAWS, CONSENT TO TREATMENT ACCORDING TO SECTION 27-65-104, C.R.S.;

    B. CONSENT TO RELEASE CONFIDENTIAL INFORMATION;

    C. DISCLOSURE STATEMENTS FOR THERAPISTS;

    D. CONSENT FOR HEALTHCARE;ICPC

    E. PLACEMENT AGREEMENT;

    F. APPROPRIATE AUTHORIZATIONS;

    G. USE OF RESTRAINT/SECLUSION;

    H. GRIEVANCE PROCEDURE; AND

    I. SPECIFIC TO QRTPS, CONSENT FOR THE BHA TO RELEASE THE STATE-APPROVED ~~CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS)~~ ASSESSMENT.

2. THE AGE RANGE, SEX ASSIGNED AT BIRTH, AND IDENTIFIED GENDER OF THE CHILDREN/YOUTH ACCEPTED FOR CARE;~~.~~

3. ANY SPECIAL PROGRAMMING OFFERED BY THE FACILITY;~~.~~

4. ANY PRE-PLACEMENT REQUIREMENTS FOR THE CHILD/YOUTH, THE PARENT(S) OR GUARDIAN(S), AND/OR THE PLACING ENTITY;~~.~~

5. THE CRITERIA, SITUATIONS, AND SPECIFIC BEHAVIORS THAT WOULD RESULT IN A REQUEST TO REMOVE A CHILD/YOUTH FROM PLACEMENT PRIOR TO THE PLANNED DISCHARGE;~~.~~

6. SPECIFIC TO QRTPS AND PRTFS, THE FACILITY'S POLICY CONCERNING THE PROVISION OF MENTAL HEALTH SERVICES TO CHILDREN/YOUTH, IF APPROPRIATE, AND THE APPLICATION OF SECTION 27-65-104, C.R.S. - VOLUNTARY APPLICATIONS FOR MENTAL HEALTH SERVICES - WHEN A CHILD/YOUTH IS RECEIVING MENTAL HEALTH TREATMENT;~~.~~

7. A STATEMENT REGARDING THE RELIGIOUS ORIENTATION OR AFFILIATION OF THE FACILITY AND OF THE RELIGIOUS ACTIVITIES OF THE FACILITY;~~.~~

8. OPPORTUNITIES FOR CHILDREN'S/YOUTH'S PARTICIPATION IN RECREATIONAL ACTIVITIES, RELIGIOUS ACTIVITIES, AND COMMUNITY LIFE;~~.~~

9. A STATEMENT REGARDING THE POTENTIAL USE OF IMAGES OF THE CHILDREN/YOUTH;~~.~~

10. A PROCESS FOR THE COMPLETION OF THE REQUIREMENTS OF THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) IN ACCORDANCE WITH SECTION 24-60-1802, C.R.S. FOR ANY CHILD/YOUTH IN WHICH THE PLACING ENTITY IS OUTSIDE OF COLORADO; AND~~.~~

11. A POLICY REGARDING USAGE OF CELL PHONES OR OTHER ELECTRONIC COMMUNICATION DEVICES BY CHILDREN/YOUTH.

B. AS IDENTIFIED IN SECTION 7.714.2.A, A FACILITY THAT ACCEPTS YOUTH WHO ARE EIGHTEEN (18) YEARS OF AGE AND OLDER BUT UNDER TWENTY-ONE (21) YEARS OF AGE MUST HAVE A WRITTEN POLICY TO ADDRESS HOW THE FACILITY WILL ENSURE THE YOUTH'S ADULT RIGHTS AND DUTIES WILL BE ACCOMMODATED, INCLUDING, BUT NOT LIMITED TO, REGISTERING TO VOTE AND REGISTERING FOR SELECTIVE SERVICE, IN ADDITION TO ~~THEIR~~ RIGHTS ~~AS~~ IDENTIFIED IN SECTIONS 19-7-101(2), C.R.S. AND SECTION 7.714.33 IF THE CHILD/YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

C. PROVISIONS MUST BE MADE FOR THE STORAGE AND PROTECTION OF CHILDREN'S/YOUTH'S PROPERTY WHEN ADMITTED INTO THE FACILITY, PROVISIONS MUST BE CONSISTENT WITH SECTION 19-7-101(2)(d)(II) AND 19-7-101(2)(f)(III), C.R.S. IF THE CHILD/YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM THE FACILITY IS RESPONSIBLE FOR CREATING A WRITTEN POLICY OR ACKNOWLEDGEMENT THAT IDENTIFIES THE LENGTH OF TIME A CHILDREN'S/YOUTH'S PROPERTY WILL BE STORED AT THE FACILITY.

D. THE FACILITY MUST ALLOW A CHILD/YOUTH IN CARE TO BRING THEIR PERSONAL BELONGINGS TO THE PROGRAM, AS OUTLINED IN ~~DEFINED BY~~ FACILITY POLICY. IF THE CHILD/YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, THE FACILITY MUST ALLOW A CHILD/YOUTH TO BRING THEIR PERSONAL BELONGINGS TO THE PROGRAM ~~AND AS~~ CONSISTENT WITH SECTION 19-7-101(2)(f)(III), C.R.S.

E. FOR CHILDREN/YOUTH IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, THE FACILITY IS RESPONSIBLE FOR CREATING A WRITTEN POLICY OR ACKNOWLEDGMENT CONSISTENT WITH SECTION 19-7-101(2)(f)(III), C.R.S. THAT IDENTIFIES THE PROCEDURES FOR HAVING THE CHILD'S/YOUTH'S BELONGINGS TRANSPORTED IN APPROPRIATE LUGGAGE WITH THE CHILD/YOUTH DURING OR SHORTLY AFTER A CHANGE IN PLACEMENT, WITH THE CHILD'S/YOUTH'S PERSONAL BELONGINGS STORED AND MAINTAINED IN THE SAME OR BETTER CONDITION.

F. THE FACILITY IS ALSO RESPONSIBLE FOR CREATING A WRITTEN POLICY SHOULD ANY BELONGINGS BE LEFT BEHIND AT THE TIME OF DISCHARGE BY THE CHILD/YOUTH, THEIR PARENT(S) OR GUARDIAN(S) OR CUSTODIAN(S), OR THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WORKING WITH THE CHILD/YOUTH. THE POLICY OR ACKNOWLEDGEMENT MUST INCLUDE THE LENGTH OF TIME THE PERSONAL BELONGINGS ARE HELD ONTO OR STORED AND HOW MANY ATTEMPTS OR REMINDERS THE FACILITY WILL CONDUCT BEFORE PROPERTY IS DISPOSED ~~OF~~. NOTICE MUST BE PROVIDED TO THE CHILD/YOUTH, THEIR PARENT(S) OR GUARDIAN(S) AND CUSTODIAN(S), AND THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WORKING WITH THE CHILD/YOUTH AT LEAST FORTY-EIGHT (48) WORKING HOURS BEFORE ANY PERSONAL PROPERTY IS DISPOSED. ALL ATTEMPTS, REMINDERS, AND NOTICES MUST BE IN DOCUMENTED IN WRITING AND PROVIDED TO THE DEPARTMENT UPON REQUEST. THIS POLICY MUST BE PROVIDED AT THE TIME OF INTAKE TO THE CHILD/YOUTH, THE PARENT(S) OR GUARDIAN(S) AND CUSTODIAN(S), AND/OR PLACING AUTHORITY WITH SIGNATURES AND DATES FROM ALL INVOLVED PARTIES ACKNOWLEDGING THE POLICY.

G. FACILITIES MUST CREATE AND ADHERE TO A POLICY THAT GUIDES AND GOVERNS THE MAINTENANCE OF CHILD/YOUTH RECORDS TO ENSURE THEY ARE STORED AND MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE CONFIDENTIALITY LAWS ~~RELATED HIPAA AND OTHER CONFIDENTIALITY LAWS~~, INCLUDING PROTECTIONS FOR CYBERSECURITY FOR THOSE RECORDS WHICH ARE STORED ELECTRONICALLY.

7.705.64 PERSONNEL POLICIES, ORIENTATION, AND TRAINING

A. PERSONNEL POLICIES

1. THE FACILITY MUST HAVE A WRITTEN STATEMENT OF PERSONNEL POLICIES WHICH INCLUDE:

   A. JOB DESCRIPTIONS FOR ALL POSITIONS REQUIRED. THE DESCRIPTIONS MUST DESCRIBE DUTIES OF THE JOB, QUALIFICATIONS FOR PERFORMANCE, AND SUPERVISION TO BE PROVIDED AS WELL AS ANY TRAINING REQUIREMENTS OF THE POSITION;

   B. SALARY RANGE AND PROVISION FOR INCREMENTAL INCREASES;

   C. HOURS OF WORK, HOLIDAYS, PAID TIME OFF, AND ANY OTHER TYPES OF LEAVES;

   D. CONDITIONS OF EMPLOYMENT, TENURE, AND PROMOTION;

   E. EMPLOYMENT BENEFITS, INCLUDING RETIREMENT PLAN, SOCIAL SECURITY, MEDICAL BENEFITS, HOSPITALIZATION, AND OTHER INSURANCES;

   F. EMPLOYEE PERFORMANCE EVALUATION PROCEDURES;

   G. GRIEVANCE PROCEDURES WHICH MAY BE USED BY STAFF; AND

   H. TERMINATION OF EMPLOYMENT PROCEDURES.

2. A COPY OF THE PERSONNEL POLICY MUST BE GIVEN TO EACH STAFF MEMBER AT THE START OF THEIR EMPLOYMENT, AND WRITTEN VERIFICATION OF RECEIPT OF THE PERSONNEL POLICY MUST BE MAINTAINED IN EACH STAFF FILE. WITHIN TEN (10) CALENDAR DAYS OF A CHANGE TO A PERSONNEL POLICY, ALL STAFF MEMBERS MUST BE PROVIDED A COPY OF THE CHANGED POLICY AND WRITTEN VERIFICATION OF RECEIPT MAINTAINED IN EACH STAFF FILE.

B. ORIENTATION AND TRAINING

1. THE FACILITY MUST HAVE A COMPREHENSIVE WRITTEN PLAN FOR THE RECRUITMENT, RETENTION, HIRING, OR CERTIFICATION, ORIENTATION, ONGOING TRAINING, AND PROFESSIONAL DEVELOPMENT OF STAFF.

   A. THE FACILITY MUST HAVE AN INTRODUCTORY TRAINING AND ORIENTATION PROGRAM FOR ALL STAFF. THIS PROGRAM MUST INCLUDE ORIENTATION TO EMERGENCY AND SAFETY PROCEDURES AND THE GENERAL AND SPECIFIC DUTIES AND RESPONSIBILITIES OF THE JOB. THE INTRODUCTORY TRAINING AND ORIENTATION TRAINING MUST BE COMPLETED WITHIN THIRTY (30) DAYS OF HIRE. THE ORIENTATION TRAINING MUST INCLUDE THE FACILITY'S POLICY ON REQUIRED BOUNDARIES BETWEEN STAFF MEMBERS AND THE CHILDREN/YOUTH CARED FOR OR DISCHARGED FROM THE FACILITY.

   B. SUCH TRAINING MUST INCLUDE ALL COMPONENTS OUTLINED IN SECTION 7.714.92.A.1.B

C. QUALIFIED RESIDENTIAL TREATMENT PROGRAMS MUST DEVELOP AND ADHERE TO POLICIES AND PROCEDURES FOR SUPERVISION OF CLINICAL PROFESSIONALS THAT ADDRESS THE REQUIREMENTS OUTLINED IN SECTION 7.705.206.B.

D. QUALIFIED RESIDENTIAL TREATMENT PROGRAMS MUST HAVE A WRITTEN POLICY ON HOW THE PROGRAM STAFF WILL FACILITATE FAMILY ENGAGEMENT AND PARTICIPATION IN THE CHILD'S/YOUTH'S TREATMENT AND FOLLOW REQUIREMENTS OUTLINED IN SECTION 7.705.207.A.

7.705.65 MEDICAL AND HEALTH SERVICES POLICIES

A. MEDICATION

1. THE FACILITY MUST HAVE POLICIES AND PROCEDURES FOR DOCUMENTING THAT REQUIRED MEDICATION INFORMATION WAS GIVEN TO THE CHILD/YOUTH BEFORE THE CHILD/YOUTH TOOK THE MEDICATION. WHEN INFORMATION IS GIVEN TO THE CHILD/YOUTH, THE DOCUMENTATION MUST INCLUDE AN ASSESSMENT REGARDING WHETHER THE CHILD/YOUTH UNDERSTOOD. THE POLICY MUST BE CONSISTENT WITH THE CHILD/YOUTH RIGHTS ENUMERATED IN SECTION 19-7-101(2)(g)(III-V), C.R.S. FOR CHILDREN/YOUTH IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

2. THE FACILITY MUST HAVE A WRITTEN POLICY THAT ADDRESSES THE PROCESS FOR WHEN THE COUNT OF A CONTROLLED SUBSTANCE IS FOUND TO BE INCONSISTENT WITH THE DOCUMENTATION. THE POLICIES MUST INCLUDE THE NOTIFICATION OF ADMINISTRATIVE STAFF, AND, IF NECESSARY, THE PRESCRIBING PROVIDER AND LOCAL LAW ENFORCEMENT OF THE DISCREPANCY AND THE ACTIONS TAKEN.

B. MEDICAL AND HEALTH SERVICES

1. THE FACILITY MUST HAVE AND FOLLOW POLICIES AND PROCEDURES FOR INFORMING THE CHILD/YOUTH, PARENT(S) AND/OR GUARDIAN(S) OF ANY FOLLOW UP DENTAL PROCEDURES AS PRESCRIBED.

2. THE FACILITY MUST HAVE A MEDICAL POLICY INCLUDING STAFF TRAINING, WHICH INCLUDES THE SCREENING OF THE CHILD/YOUTH FOR CHILD ABUSE AND SIGNS OF ILLNESS REQUIRING IMMEDIATE MEDICAL ATTENTION.

7.705.66 SAFETY POLICIES

A. SUPERVISION OF CHILDREN/YOUTH

1. THE RESIDENTIAL CHILD CARE FACILITY MUST HAVE A WRITTEN POLICY FOR THE STANDARD SUPERVISION OF CHILDREN/YOUTH IN THE PROGRAM BASED ON THE IDENTIFIED POPULATION DESCRIBED IN THE ADMISSION POLICIES.

   ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD'S/YOUTH'S RIGHTS AND REQUIREMENTS OUTLINED IN SECTION 19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM

2. THE FACILITY MUST ADHERE TO THE POLICY, AND IT MUST INCLUDE SUPERVISION OF CHILDREN/YOUTH WHILE AT THE FACILITY, DURING TRANSPORTATION, AND WHILE OFF THE PREMISES.

3. THE POLICY MUST BE APPROVED BY THE DEPARTMENT ON AN ANNUAL BASIS.

4. WHEN A CHILD'S/YOUTH'S INDIVIDUAL NEEDS REQUIRE DEVIATION FROM THE SUPERVISION POLICY, IT MUST BE DOCUMENTED IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

5. AS OUTLINED IN 19-7-101(2)(d)(II), C.R.S., CHILDREN/YOUTH IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM HAVE A RIGHT TO BE FREE FROM UNREASONABLE SEARCHES, LIMITATION OF USE, OR TAKING OF PERSONAL BELONGINGS OR OTHER UNREASONABLE INVASIONS OF PRIVACY.

B. RECREATION AND LEISURE

1. A RESIDENTIAL CHILD CARE FACILITY MUST HAVE A WRITTEN POLICY FOR ENSURING THAT A RANGE OF INDOOR AND OUTDOOR RECREATIONAL AND LEISURE

OPPORTUNITIES ARE PROVIDED FOR CHILDREN/YOUTH IN CARE. SUCH OPPORTUNITIES MUST BE BASED ON THE INDIVIDUAL INTERESTS OF THE CHILDREN/YOUTH WITH PERSONAL AND TREATMENT NEEDS BEING CONSIDERED.

ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD'S/YOUTH'S RIGHTS AND REQUIREMENTS OUTLINED IN SECTION 19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

C. TRANSPORTATION

1. THE FACILITY MUST HAVE A WRITTEN POLICY CONCERNING UNDER WHAT CIRCUMSTANCES A VEHICLE MAY BE DRIVEN BY A LICENSED RESIDENT ALONE OR WITH ONE RESIDENT PASSENGER. SUCH DRIVING PRIVILEGES, IF GRANTED, MUST BE A PART OF THE CHILD'S/YOUTH'S INDIVIDUAL PLAN.

D. CONTRABAND

1. ALL FACILITIES MUST HAVE A WRITTEN POLICY AND PROCEDURES FOR CONDUCTING SEARCHES AND CONTROL OF CONTRABAND REGARDING CHILDREN/YOUTH, STAFF MEMBERS, OR VISITORS.

   A. SEARCHES INVOLVING CHILDREN/YOUTH MUST BE COMPLETED UPON ADMISSION TO THE FACILITY, UPON RETURN FROM AN UNSUPERVISED SETTING, WHEN THERE IS REASON TO BELIEVE THAT THERE IS A SAFETY RISK TO THE FACILITY, OR WHEN CONTRABAND MAY BE PRESENT.

   B. SEARCHES MUST BE CONDUCTED IN THE LEAST INTRUSIVE MANNER POSSIBLE FOR THE REASON THE SEARCH WAS BEING CONDUCTED.

   C. ALL CONTRABAND MUST BE DISPOSED OF IN ACCORDANCE WITH THE FACILITY'S WRITTEN POLICY AND PROCEDURES.

   D. ALL SEARCHES MUST BE DOCUMENTED, INCLUDING THE REASON FOR THE SEARCH, THE PERSON(S) CONDUCTING THE SEARCH, AND THE RESULTS.

   E. THE POLICIES AND PROCEDURES MUST INCLUDE AND BE IN ALIGNMENT WITH SECTION 7.714.51.A.

E. FEEDBACK AND DISCIPLINE

1. THE FACILITY MUST HAVE WRITTEN POLICIES AND PROCEDURES REGARDING PREVENTATIVE, SUPPORTIVE, AND CORRECTIVE FEEDBACK THAT MUST BE EXPLAINED IN A MANNER APPROPRIATE FOR CHILDREN/YOUTH AND PROVIDED TO ALL PARENT(S), GUARDIAN(S), STAFF, AND PLACING ENTITIES. PREVENTATIVE AND SUPPORTIVE FEEDBACK IS DESIGNED TO REINFORCE POSITIVE BEHAVIOR, AND COACH THE CHILD/YOUTH TO DEVELOP ALTERNATIVE BEHAVIORS TO THOSE THAT INTERFERE WITH POSITIVE TREATMENT OUTCOMES.

   ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD'S/YOUTH'S RIGHTS AND REQUIREMENTS OUTLINED IN SECTION 19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

7.705.67 WRITTEN POLICIES FOR PHYSICAL RESTRAINT

A. EACH FACILITY UTILIZING PHYSICAL RESTRAINT IS TO HAVE A WRITTEN POLICY AND PRACTICES CONSISTENT WITH THESE RULES.

ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD'S/YOUTH'S RIGHTS AND REQUIREMENTS OUTLINED IN SECTION

19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

THE FACILITY'S WRITTEN POLICIES MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

1. DOCUMENTATION OF THE NATIONALLY RECOGNIZED, RESEARCH-BASED TYPE OF DE-ESCALATION, PHYSICAL RESTRAINT MODEL TO BE USED IN THE FACILITY. THE PHYSICAL RESTRAINT MODEL MUST BE IN ACCORDANCE WITH THE REQUIREMENTS PROVIDED IN SECTIONS 7.714.53 THROUGH 7.714.536~~, ET SEQ~~.

2. DOCUMENTATION OF THE ACTUAL PHYSICAL RESTRAINT THAT OCCURRED IN THE PHYSICAL RESTRAINT SITUATION.

3. DOCUMENTATION OF WHICH STAFF MEMBERS BY NAME AND POSITION WILL BE APPROVED BY THE FACILITY TO USE PHYSICAL RESTRAINT WITH CHILDREN/YOUTH IN CARE.

4. DOCUMENTATION OF THE TRAINING/CERTIFICATION STAFF MEMBERS APPROVED TO USE PHYSICAL RESTRAINT AND THE TYPE AND NUMBER OF INITIAL HOURS OF TRAINING EACH STAFF MEMBER IS REQUIRED TO TAKE AS REQUIRED BY THE MODEL AND TRAUMA-INFORMED PRIOR TO RESTRAINING A CHILD/YOUTH.

5. THE TYPE AND NUMBER OF HOURS OF ONGOING TRAINING EACH STAFF MEMBER WILL BE REQUIRED TO TAKE AND HOW OFTEN THEY WILL NEED TO BECOME RECERTIFIED, NOT TO EXCEED MORE THAN EVERY SIX (6) MONTHS.

6. DOCUMENTATION OF THE INDIVIDUALIZED PREVENTIVE AND DE-ESCALATION TECHNIQUES, TRAUMA-INFORMED PRACTICES OR INTERVENTIONS CONSIDERED OR UTILIZED, AND POSITIVE BEHAVIORAL INTERVENTION MUST BE USED BY STAFF PRIOR TO UTILIZING PHYSICAL RESTRAINT.

7. HOW THE FACILITY CONTINUOUSLY MONITORS PHYSICAL RESTRAINT, HOW THE FACILITY WILL BE PHYSICALLY PRESENT, SUCH THAT THE STAFF MEMBER IS ABLE TO IMMEDIATELY RESPOND TO THE NEEDS OF THE CHILD/YOUTH IN THE PHYSICAL RESTRAINT.

8. THE TYPE OF WRITTEN DOCUMENTATION THE FACILITY MAINTAINS OF EACH PHYSICAL RESTRAINT THAT DESCRIBES THE DETAILS OF THE INCIDENT AND THE STAFF INVOLVEMENT.

9. THE TYPE OF WRITTEN DOCUMENTATION THE FACILITY MAINTAINS THAT DESCRIBES THE DEBRIEFING WITH THE CHILD/YOUTH AND STAFF FOLLOWING THE PHYSICAL RESTRAINT.

10. EVALUATION BY AN OBJECTIVE, INTERNAL PROFESSIONAL OF THE DOCUMENTATION OF EACH PHYSICAL RESTRAINT TO DETERMINE APPROPRIATENESS AND EFFECTIVENESS OF PREVENTIVE AND DE-ESCALATION STRATEGIES OR INTERVENTIONS USED AND EFFECTIVENESS AND APPROPRIATENESS OF THE PHYSICAL RESTRAINT ITSELF. SUCH EVALUATION MUST ALSO INCLUDE:

    a. WHETHER THERE WAS A TRUE IMMINENT THREAT AND IF THE SITUATION WAS A TRUE EMERGENCY;

    b. WHETHER THE PHYSICAL RESTRAINT WAS MORE DANGEROUS THAN THE BEHAVIOR IT WAS ATTEMPTING TO CONTAIN;

c. THE DOCUMENTATION OF AVOIDANCE OF THE USE OF MOVEMENT OR TRANSPORT DURING PHYSICAL RESTRAINT EXCEPT TO MOVE FROM EXTREME DANGER (I.E., A CHILD/YOUTH IN THE MIDDLE OF A BUSY STREET OR ROAD); AND

d. IF THE USE WAS JUSTIFIED ACCORDING TO SECTION 26-20-103, C.R.S.

11. THE REQUIREMENT THAT STAFF MUST NOT UTILIZE PHYSICAL RESTRAINT IN ANY SETTING OUTSIDE OF THE LICENSED FACILITY. STAFF MUST CALL LAW ENFORCEMENT IF THERE ARE ANY CIRCUMSTANCES OUTSIDE OF THE LICENSED FACILITY THAT MAY POSE A THREAT TO THE HEALTH AND SAFETY OF A CHILD/YOUTH.

12. THE REQUIREMENT THAT STAFF NOT RESTRAIN CHILDREN/YOUTH AWAY FROM THE FACILITY TO INCLUDE BUT NOT LIMITED TO: OTHER BUSINESSES, PUBLIC AREAS WHERE PEOPLE IN THE COMMUNITY ARE PRESENT, OR PRIVATE PROPERTY.

13. NOTIFICATION TO THE PARENT(S) AND/OR LEGAL GUARDIAN(S) AND CHILD/YOUTH IN ADVANCE OF THE FACILITY'S PHYSICAL RESTRAINT POLICY AND METHODOLOGY AND FOLLOWING THE USE OF THE PHYSICAL RESTRAINT.

14. HOW THE FACILITY MONITORS THE PHYSICAL WELL-BEING OF THE CHILD/YOUTH DURING AND AFTER THE PHYSICAL RESTRAINT, INCLUDING BUT NOT LIMITED TO BREATHING, PULSE, COLOR, AND SIGNS OF CHOKING OR RESPIRATORY DISTRESS.

15. EMERGENCY MEDICAL PROCEDURES, INCLUDING FIRST AID, THAT WILL BE USED IF A CHILD/YOUTH OR STAFF MEMBER IS SERIOUSLY INJURED DURING A PHYSICAL RESTRAINT.

16. THE INTERNAL REVIEW PROCESS OF THE FACILITY TO ASSESS CAREFULLY ANY INJURIES, BRUISING, OR DEATH.

17. THE REQUIREMENT OF STAFF TO REPORT TO THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES OR LOCAL LAW ENFORCEMENT ANY INJURY, BRUISING, OR DEATH THAT OCCURS AS A RESULT OF THE PHYSICAL RESTRAINT PURSUANT TO COLORADO STATE LAW.

18. THE REQUIREMENT OF STAFF TO REPORT ANY CRITICAL INCIDENT OR CHILD ABUSE AND/OR NEGLECT PURSUANT TO COLORADO STATE LAW AND SECTION 7.701.52 AND SECTION 7.701.53.

19. A WRITTEN POLICY AROUND DEBRIEF OF THE PHYSICAL RESTRAINT THAT IS SPECIFIC TO THE POPULATION SERVED AND INCLUDED IN THE TRAUMA-INFORMED CARE PLAN. THE DEBRIEF WILL BE DONE IN ACCORDANCE WITH THE INDIVIDUAL NEEDS OF THE CHILD/YOUTH AND WILL BE DOCUMENTED IN THE PHYSICAL RESTRAINT REPORT.

7.705.68 WRITTEN POLICIES FOR SECLUSION ~~AND LOCKED QUIET ROOMS~~

A. A PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) WHICH IS APPROVED TO USE SECLUSION MUST HAVE A WRITTEN POLICY AND PRACTICES CONSISTENT WITH THESE RULES.

ALL POLICIES MUST BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING THE CHILD/YOUTH RIGHTS AND REQUIREMENTS OUTLINED IN SECTION 19-7-101, C.R.S. IF THE YOUTH IS IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM

THE PROGRAM'S WRITTEN POLICIES MUST INCLUDE AT A MINIMUM THE FOLLOWING:

1. A PURPOSE AND USE OF THE ROOM, THE INTAKE PROCESS, THE EVALUATION OF CHILD/YOUTH WHILE IN THE ROOM, EMERGENCY PROCEDURE WHILE A CHILD/YOUTH IS IN SECLUSION AND METHOD FOR A CHILD'S/YOUTH'S GRIEVANCE REGARDING THE USE OF THE ROOM.

2. DOCUMENTATION OF THE TYPE OF BEHAVIOR MANAGEMENT SYSTEM UTILIZED BY THE PROGRAM.

3. WHICH STAFF MEMBERS WILL BE APPROVED BY THE FACILITY TO USE SECLUSION WITH CHILDREN/ YOUTH IN CARE.

4. THE TYPE OF TRAINING/CERTIFICATION STAFF MEMBERS APPROVED TO USE SECLUSION WILL BE REQUIRED TO HAVE PRIOR TO SECLUDING A CHILD/YOUTH.

5. THE TYPE AND NUMBER OF HOURS OF ONGOING TRAINING EACH STAFF MEMBER WILL BE REQUIRED TO TAKE AND HOW OFTEN THEY WILL NEED TO BECOME RECERTIFIED, NOT TO EXCEED MORE THAN EVERY SIX (6) MONTHS.

6. WHAT PREVENTIVE/DE-ESCALATION TECHNIQUES AND POSITIVE BEHAVIORAL INTERVENTION MUST BE USED BY STAFF PRIOR TO UTILIZING SECLUSION.

7. THE RELEASE CRITERION (E.G. A STATED PERIOD OF CALM BEHAVIOR) THAT IS OF SHORT DURATION AND THAT IS CLIENT-DRIVEN OR INITIATED.

8. HOW THE FACILITY OBSERVES AND EVALUATES THE USE OF SECLUSION ON A CHILD/ YOUTH.

9. THE TYPE OF WRITTEN DOCUMENTATION THE FACILITY MAINTAINS OF EACH SECLUSION THAT DESCRIBES THE DETAILS OF THE INCIDENT AND THE STAFF INVOLVEMENT.

10. THE TYPE OF WRITTEN DOCUMENTATION THE FACILITY MAINTAINS THAT DESCRIBES THE DEBRIEFING WITH THE CHILD/ YOUTH AND STAFF FOLLOWING THE SECLUSION.

11. EVALUATION BY AN OBJECTIVE, INTERNAL PROFESSIONAL OF THE DOCUMENTATION OF EACH SECLUSION TO DETERMINE APPROPRIATENESS AND EFFECTIVENESS OF PREVENTIVE AND DE-ESCALATION STRATEGIES OR INTERVENTIONS USED AND EFFECTIVENESS AND APPROPRIATENESS OF THE SECLUSION ITSELF. SUCH EVALUATION MUST ALSO INCLUDE:

    a. WHETHER THERE WAS A TRUE IMMINENT THREAT AND IF THE SITUATION WAS A TRUE EMERGENCY;

    b. WHETHER THE SECLUSION WAS MORE DANGEROUS THAN THE BEHAVIOR IT WAS ATTEMPTING TO CONTAIN;

    c. IF THE USE WAS JUSTIFIED ACCORDING TO SECTION 26-20-103, C.R.S.

12. NOTIFICATION TO THE PARENT(S) AND/OR LEGAL GUARDIAN(S) AND CHILD/YOUTH IN ADVANCE OF THE FACILITY'S SECLUSION POLICY AND METHODOLOGY AND FOLLOWING THE USE OF THE SECLUSION.

13. HOW THE FACILITY MONITORS THE PHYSICAL WELL-BEING OF THE CHILD/YOUTH DURING AND AFTER THE SECLUSION

14. EMERGENCY PROCEDURES, INCLUDING FIRST AID, THAT WILL BE USED IF A CHILD/YOUTH OR STAFF MEMBER IS SERIOUSLY INJURED DURING SECLUSION.

15. THE INTERNAL REVIEW PROCESS OF THE FACILITY TO ASSESS CAREFULLY ANY INJURIES, BRUISING, OR DEATH.

16. THE REQUIREMENT OF STAFF TO REPORT TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR LOCAL LAW ENFORCEMENT ANY INJURY, BRUISING, OR DEATH THAT OCCURS AS A RESULT OF THE SECLUSION PURSUANT TO COLORADO STATE LAW.

17. THE REQUIREMENT OF STAFF TO REPORT ANY CRITICAL INCIDENT IN ACCORDANCE WITH SECTION 7.701.53.

18. THE METHOD FOR THE CHILD'S/YOUTH'S RIGHT TO GRIEVE THE USE OF THE SECLUSION ROOM.

19. A WRITTEN POLICY AROUND DEBRIEF OF THE SECLUSION THAT IS SPECIFIC TO THE POPULATION SERVED AND INCLUDED IN THE TRAUMA-INFORMED CARE PLAN. THE DEBRIEF WILL BE DONE IN ACCORDANCE WITH THE INDIVIDUAL NEEDS OF THE CHILD/YOUTH AND WILL BE DOCUMENTED IN THE PHYSICAL RESTRAINT REPORT.

~~**7.705.6 RECORDS AND REPORTS**~~

~~**7.705.61 Confidentiality** [Rev. eff. 6/1/12]~~

~~A residential child care facility may make available information in the case record to the child, his parent(s), or guardian, and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that must be withheld from release according to other laws or by order of the court. If in the professional judgment of the administration of the facility, it is felt that information contained in the record would be damaging to a child, that information may be withheld except under court order.~~

~~**7.705.62 Necessary Records and Their Retention** [Rev. eff. 6/1/12]~~

~~The following records shall be on file at the facility or administrative office:~~

~~A. Governing structure, including the charter, articles of incorporation, by laws, or other legal basis for existence.~~

~~B. Current health department inspection report~~

~~C. Current fire department inspection report.~~

~~D. A list of current staff and substitutes and staffing patterns.~~

~~E. Insurance coverage.~~

~~F. Annual financial audit or financial statements.~~

~~**7.705.63 Personnel Records** [Rev. eff. 6/1/12]~~

~~Personnel record for each employee shall include name, address, birth date, names and telephone numbers of persons to be notified in event of an emergency, date of employment, and date and reason for separation, official documents verifying education, training, and work experience, pre-employment references, and the indication of awareness of agency policies.~~

~~Records for personnel shall be retained for at least three years.~~

~~**7.705.7 (NONE) [Rev. eff. 6/1/12]**~~

7.705.8~~7~~ SPECIAL RULES AND REGULATIONS FOR SHELTER CARE SERVICES

7.705.71 REQUIREMENTS OF Shelter Care SERVICES for Placements ~~[Rev. eff. 9/15/12]~~

A. Applicability of Rules

1. Any residential child care facility may provide shelter CARE SERVICES ~~or twenty-four (24) hour emergency care~~ for children/YOUTH ~~and homeless youth, defined in general rules at~~ ~~Section 7.701.21,~~ in need of short-term placement resulting from such circumstances as child abuse AND NEGLECT. ~~or running away from home for up to twenty-one (21)~~ ~~consecutive days. Some facilities accept only children for emergency care and are known~~ ~~as shelter care facilities.~~

2. The acceptance of children/YOUTH for ~~emergency~~ SHELTER care SERVICES must be stated in the written purpose of the facility and the admission policy. THE FACILITY MUST HAVE A PRESCRIBED NUMBER OF BEDS RELATIVE TO EACH POPULATION IT SERVES:

   a. RESIDENTIAL CHILD CARE SERVICES;

   b. HOMELESS YOUTH; AND/OR

   c. SHELTER CARE SERVICES.

3. Residential child care facilities ~~shall~~ MUST make every effort to assure that shelter care SERVICE placements do not exceed sixty (60) days. Exceptional circumstances ~~shall~~ MUST be documented in the case file. No child/YOUTH ~~shall~~ MAY remain in a shelter care ~~facility~~ SERVICE PROGRAM for longer than ninety (90) days. Review of placement will be required ~~as appropriate.~~EVERY THIRTY (30) DAYS.

4. These rules are specifically for shelter care SERVICES ~~facilities~~. The following rules are in addition to corresponding regulations in Sections 7.705~~.1~~ through 7.705.6. However, if there is a conflict between those rules and these shelter care SERVICE rules, these rules shall apply.

B. Admission to Shelter Care SERVICE PROGRAMS ~~and Orientation~~

1. At the time of ~~emergency~~ shelter care SERVICE placement of a child/YOUTH, the facility ~~shall~~ MUST obtain at least the following information: name, birth date, if available, physical description of the child/YOUTH, date and time of the admission, name and authority of person bringing child/YOUTH to the facility, and reason for placement. On the next working day following ~~emergency~~ shelter care SERVICE placement of the child/YOUTH, the facility shall obtain from the county department of social/HUMAN services or the parent(S) or guardian(S) a signed, written authorization to obtain medical care for the child. The county department is authorized to give this authorization ON THE NEXT WORKING DAY FOLLOWING PLACEMENT ~~pursuant to this staff manual~~.

   a. A CHILD/youth who has reached the age of FIFTEEN (15) or older may consent to shelter and services for a period not to exceed TWENTY-ONE (21) days when the following criteria are met:

      1. The CHILD/youth shall voluntarily and knowingly sign a consent form that includes:

         A. All services the CHILD/youth may receive during their stay at the shelter and the total number of days the CHILD/youth may consent to remain in the shelter;

         B. Legal limits to confidentiality;

         C. How and when the parent(s), legal guardian(s), and/or child welfare agencies will be notified of the CHILD'S/youth's stay;

         D. An explanation that services provided by the shelter are provided free of charge to the CHILD/youth without exchange of any goods,

services, or sexual acts.

2. The consent form shall be explained in the child's/YOUTH'S ~~dominant~~ PREFERRED language or mode of communication, including augmented or facilitated communication, if necessary, and shall take into consideration the child's age, ABILITY LEVEL ~~disability~~, and cultural and religious background.

3. The consent form shall be signed within TWELVE (12) hours of admission.

2. The facility ~~shall~~ MUST ensure that each newly admitted child/YOUTH is checked AT THE TIME OF ADMISSION by facility staff or A physician for signs of illness, ~~symptoms~~ SIGNS of abuse OR NEGLECT, and the presence of PARASITIC INFECTIONS ~~vermin~~.

A. The facility ~~shall~~ MUST have a medical POLICY~~plan~~, including staff training, which includes the screening of the child/YOUTH for child abuse and signs of illness requiring immediate medical attention.

3. If a child/YOUTH remains in A shelter care SERVICE PROGRAM for longer than ~~thirty days~~ FOURTEEN (14) DAYS, a medical examination must be completed in compliance with Section ~~7.705.31, B.~~ 7.714.82.B.

~~4. The facility shall provide orientation for the new child. Orientation shall include:~~

~~a. Tour of the facility.~~

~~b. Introduction to staff.~~

~~c. Description of rules, regulations, and discipline policies of the facility.~~

~~d. Discussion of tasks and behaviors the child is expected to perform.~~

~~e. Discussion regarding personal possessions the child is permitted to bring and obtain while in shelter care.~~

7.705.~~8~~72 Homeless Youth Shelter Care

A. Applicability of Rules

1. Any residential child care facility may provide shelter to homeless CHILDREN/youth ageS eighteen (18) and under for up to twenty-one (21) consecutive days. A residential child care facility may provide shelter to a homeless CHILD/youth between the ages of eighteen (18) and twenty-one (21), if such services will not negatively impact the health, safety, and welfare of the other childrenYOUTH in care. The facility shall obtain approval from the department prior to accepting a homeless CHILD/youth between the ages of eighteen (18) and twenty-one (21).

2. The acceptance of homeless CHILDREN/youth must be stated in the written purpose of the facility and the admission policy.

3. These rules are specifically for shelter care of homeless CHILDREN/youth. The following rules are in addition to corresponding regulations in Sections 7.705.~~1~~ through 7.705.6. However, if there is a conflict between those rules and these shelter care rules, these rules shall apply.

~~B. Admission to Homeless Youth Shelter Care and Orientation~~

~~1. At the time of entering the facility, the facility shall obtain at least the following information: name, birth date, physical description of the child, date and time of the admission, and reason for needing admission.~~

~~2. The facility shall ensure that each newly admitted child is checked by facility staff or a physician for~~

~~signs of illness, symptoms of abuse, and the presence of vermin.~~

~~The facility shall have a medical plan, including staff training, which includes the screening of the child for child abuse and signs of illness requiring immediate medical attention.~~

~~3. A youth who has reached the age of 15 or older may consent to shelter and services for a period not to exceed 21 days when the following criteria are met:~~

~~a. The youth shall voluntarily and knowingly willingly sign a consent form that includes:~~

~~1. All services the youth may receive during their stay at the shelter and the total number of days the youth may consent to remain in the shelter.~~

~~2. Legal limits to confidentiality.~~

~~3. How and when the parent(s), legal guardian(s), and/or child welfare agencies will be notified of the youth's stay.~~

~~4. an explanation that services provided by the shelter are provided free of charge to the youth without exchange of any goods, services, or sexual acts.~~

~~C. The consent form shall be explained in the child's dominant language or mode of communication, including augmented or facilitated communication, if necessary, and shall take into consideration the child's age, disability, and cultural and religious background.~~

~~D. The consent form shall be signed within 12 hours of admission.~~

~~4. The facility shall provide orientation for the new child. Orientation shall include:~~

~~a. Tour of the facility.~~

~~b. Introduction to staff.~~

~~c. Description of rules, regulations, and discipline policies of the facility.~~

~~d. Discussion of tasks and behaviors the child is expected to perform.~~

~~e. Discussion regarding personal possessions the child is permitted to bring and obtain while in shelter care.~~

~~C~~B. Notifications and Referrals

1. Pursuant to Section 26-5.7-105(4), C.R.S., WHEN A YOUTH UNDER FIFTEEN (15) YEARS OF AGE IS ADMITTED TO A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER, THE DIRECTOR OF THE FACILITY, SHELTER, OR OTHER PERSON IN CHARGE SHALL NOTIFY THE COUNTY DEPARTMENT WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION. ~~If the facility determines that a referral for additional services needs to be made, it shall MUST make the referral to the county department of residence of the parents of the youth.~~

2. PURSUANT TO SECTION 26-5.7-106(2)(A), C.R.S., UPON ADMISSION OF A YOUTH TO A LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER, THE FACILITY OR SHELTER SHALL NOTIFY THE YOUTH'S PARENT, LEGAL GUARDIAN, OR APPROPRIATE COUNTY DEPARTMENT OF THE YOUTH'S PLACEMENT WITHIN TWENTY-FOUR (24) HOURS. THE PERSON MAKING THE REPORT MUST ALSO REPORT ON THE PHYSICAL AND EMOTIONAL CONDITION OF THE YOUTH, THE YOUTH'S WHEREABOUTS, AND THE CIRCUMSTANCES SURROUNDING THE YOUTH'S PLACEMENT WITHIN TWENTY-FOUR (24) HOURS.

~~2~~3. Pursuant to Section 26-5.7-105(7), C.R.S., IF A YOUTH WHO IS AT LEAST ELEVEN (11) YEARS OF AGE BUT LESS THAN FIFTEEN (15) YEARS OF AGE HAS BEEN SERVED UP TO TWENTY-ONE (21) DAYS AND RETURNS TO THE LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER AFTER LEAVING THE FACILITY OR SHELTER, THE DIRECTOR OF THE LICENSED CHILD CARE FACILITY OR LICENSED HOMELESS YOUTH SHELTER OR OTHER PERSON IN CHARGE MUST MAKE A REFERRAL FOR SERVICES TO THE COUNTY DEPARTMENT. THE DIRECTOR OR OTHER PERSON IN CHARGE SHOULD INTERVIEW THE CHILD/YOUTH AND REPORT THE REFERRAL TO THE CHILD'S/YOUTH'S COUNTY OF RESIDENCE. ~~When a youth under fifteen years of age is admitted to the facility, the facility shall notify the county department of residence of the parents of the youth within seventy-two (72) hours of the youth's admission.~~

~~3~~4. Pursuant to Section 26-5.7-105(5), C.R.S., if the DIRECTOR OF THE facility, SHELTER, OR OTHER PERSON IN CHARGE determines that a referral for additional services needs to be made, it ~~shall~~ THE DIRECTOR OR OTHER PERSON IN CHARGE SHALL make the referral to the appropriate county department, notify the county department of the facility's relationship to the youth pursuant to section 19-1-307-(2)(e.5)(I), C.R.S. and notify the county department of the date when the twenty-one (21) day shelter time period will expire.

~~4~~5. For A CHILD/youth under the age of eighteen (18), if reconciliation with the CHILD'S/youth's family has not occurred within seventy-two (72) hours following admission to the shelter, and the director of the shelter or other person in charge does not anticipate that reconciliation will be achieved within twenty-one (21) consecutive days, the director or other person in charge ~~shall~~ MUST provide the CHILD/youth and the CHILD'S/youth's parent with a written statement identifying:

a. The availability of counseling services~~;~~.

b. The availability of longer-term residential arrangements~~;~~ and,

c. The possibility of referral to the county department.

~~5~~6. If the facility staff know the CHILD/youth is away from home without permission, the ~~shelter~~ FACILITY ~~shall~~ MUST notify the CHILD'S/youth's parent(s)/legal guardian(s)~~, the county department,~~ or law enforcement WITHIN TWENTY-FOUR (24) HOURS OF PROVIDING SHELTER ~~pursuant to Section 26-5.7-106, C.R.S. If notifying the parent(s) or legal guardian(s) would not be in the youth's best interest due to an imminent risk of abuse or neglect by the parent(s) or legal guardian(s), the shelter shall notify the appropriate county department of human/social services instead of the parent(s)/legal guardian(s).~~ IF THE CHILD/YOUTH REFUSES TO PROVIDE THE SHELTER WITH CONTACT INFORMATION FOR THE CHILD'S/YOUTH'S PARENT(S) OR LEGAL GUARDIAN(S), THE CHILD'S/YOUTH'S PARENT(S) OR LEGAL GUARDIAN(S) IS DECEASED, OR THE SHELTER DIRECTOR OR OTHER PERSON IN CHARGE BELIEVES THAT NOTIFYING THE PARENT(S) OR LEGAL GUARDIAN(S) WOULD NOT BE IN THE CHILD'S/YOUTH'S BEST INTEREST DUE TO AN IMMINENT RISK OF ABUSE OR NEGLECT BY THE PARENT(S) OR LEGAL GUARDIAN(S), THE SHELTER SHALL NOTIFY THE APPROPRIATE COUNTY DEPARTMENT. THE NOTIFICATION MUST INCLUDE THE CHILD'S/YOUTH'S WHEREABOUTS, PHYSICAL AND EMOTIONAL CONDITION, AND THE CIRCUMSTANCES SURROUNDING THE CHILD'S/YOUTH'S PLACEMENT.

7. PURSUANT TO SECTION 26-5.7-106, C.R.S. THE FACILITY OR LICENSED HOMELESS YOUTH SHELTER SHALL NOTIFY THE YOUTH'S PARENT(S) OR LEGAL GUARDIAN(S) THAT IT IS THE PARAMOUNT CONCERN OF THE FACILITY OR SHELTER TO ACHIEVE A RECONCILIATION BETWEEN THE PARENT OR LEGAL GUARDIAN AND THE YOUTH, TO REUNIFY THE FAMILY, AND TO INFORM THE PARENT(S) OR LEGAL GUARDIAN(S) ABOUT THE AVAILABLE ALTERNATIVES.

A. THE FACILITY OR SHELTER SHALL ARRANGE TRANSPORTATION FOR THE YOUTH TO THE RESIDENCE OF THE YOUTH'S PARENT(S) OR LEGAL GUARDIAN(S) WHEN THE YOUTH AND PARENT(S) OR LEGAL GUARDIAN(S) AGREE THAT THE YOUTH SHALL RETURN TO THE HOME OF THE YOUTH'S PARENT(S) OR LEGAL

GUARDIAN(S). THE PARENT(S) OR LEGAL GUARDIAN(S) SHALL REIMBURSE THE PARTY WHO PAID FOR THE TRANSPORTATION COSTS TO THE EXTENT OF THE PARENT'S OR LEGAL GUARDIAN'S ABILITY.

B. THE FACILITY OR SHELTER SHALL ARRANGE TRANSPORTATION FOR THE YOUTH TO AN ALTERNATIVE RESIDENTIAL PLACEMENT FACILITY WHEN THE YOUTH AND THE YOUTH'S PARENT(S) OR LEGAL GUARDIAN(S) AGREE TO SUCH PLACEMENT. THE PARENT(S) OR LEGAL GUARDIAN(S) SHALL REIMBURSE THE APPROPRIATE PERSON FOR TRANSPORTATION COSTS TO THE EXTENT OF THE PARENT'S OR LEGAL GUARDIAN'S ABILITY.

7.705.~~83~~73 Education and Treatment ~~[Rev. eff. 11/1/15]~~

~~At least one (1) staff or administrator who is present in a Residential Child Care Facility (RCCF) and is trained in determining how to use and apply the reasonable and prudent parent standard shall MUST be the designated staff authorized to make decisions about participation of a child or youth in age or developmentally appropriate activities.~~

A. THE FACILITY SHALL ENSURE THAT EACH CHILD/YOUTH IS PROVIDED WITH AN EDUCATIONAL PROGRAM IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS. ANY EDUCATIONAL PROGRAM PROVIDED BY A FACILITY PROVIDING SHELTER CARE SERVICES SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS.

B. DAILY ROUTINE SCHEDULES MUST BE ESTABLISHED BY THE FACILITY TO ENSURE A STABLE, ORDERLY, AND SUPPORTIVE ENVIRONMENT FOR CHILDREN/YOUTH IN CARE.

7.705.74 CASE PLAN AND PERMANENCY PLAN

A. IF A CHILD/YOUTH IS RECEIVING SHELTER CARE SERVICES, THE RULES IN THIS SECTION SUPERSEDE SECTION 7.714.4.

B. A CASE PLAN MUST BE DEVELOPED FOR EACH CHILD/YOUTH WHO STAYS IN SHELTER CARE SERVICES LONGER THAN TWO (2) WEEKS. THE CASE PLAN MUST BE STARTED IMMEDIATELY UPON ADMISSION.

1. THE PLAN WILL INCLUDE, AT LEAST, GOALS REGARDING PERSONAL AND GROUP LIVING SKILLS, FAMILY CONTACT AND INVOLVEMENT, HOW FAMILY CONTACT AND INVOLVEMENT ARE TO OCCUR, AND THE NATURE AND GOALS OF CARE, INCLUDING ANY SPECIALIZED SERVICES OR SPECIALIZED TREATMENT TO BE PROVIDED.

2. THE CHILD/YOUTH MUST BE INVOLVED IN THE ESTABLISHMENT OF THE GOALS.

3. THE COMPREHENSIVE ASSESSMENT, AS FOUND AT SECTION 7.714.4.A, MUST SERVE AS THE BASIS FOR THE PLAN.

C. A CASE PLAN MUST INCLUDE THE DEVELOPMENT OF A PERMANENCY PLAN WITHIN THIRTY (30) DAYS OF ADMISSION FOR ANY CHILD/YOUTH RECEIVING SHELTER CARE SERVICES.

D. A PERMANENCY PLAN MUST ADDRESS OPTIONS FOR THE CHILD/YOUTH TO DISCHARGE TO A SAFE AND STABLE ENVIRONMENT, THE AVAILABILITY OF COUNSELING AND OTHER COMMUNITY SERVICES THAT MAY SUPPORT THE PERMANENCY PLAN, AND THE ANTICIPATED DISCHARGE DATE AND PLAN FOR THE CHILD/YOUTH FOLLOWING DISCHARGE.

7.705.8~~7~~5~~4~~ Personnel ~~[Rev. eff. 6/1/12]~~

A. A RESIDENTIAL CHILD CARE FACILITY THAT PROVIDES shelter care SERVICES~~facility shall~~ MUST maintain the staff ratio described at Section 7.705.46.D.

B. A RESIDENTIAL CHILD CARE FACILITY THAT PROVIDES shelter care ~~facility~~ SERVICES ~~must~~ MUST have awake staff during the children's/YOUTH'S sleeping hours.

C. A RESIDENTIAL CHILD CARE FACILITY THAT PROVIDES shelter care ~~facility~~ SERVICES ~~shall~~ MUST make adequate provisions to ensure THAT ~~the immediate availability of~~ additional staff CAN BE PHYSICALLY PRESENT AT THE FACILITY WITHIN SIXTY (60) MINUTES in the event of an emergency or crisis.

D. Training programs for staff in shelter care ~~facilities~~ SERVICE PROGRAMS ~~shall~~ MUST reflect special emphasis on the following areas:

1. ~~Physical Management.~~ DE-ESCALATION TECHNIQUES.

2. TRAUMA-INFORMED CARE ~~Crisis intervention~~.

3. Crisis and Emergency Procedures.

7.705.8~~76~~5 Records ~~[Rev. eff. 11/1/98]~~

A. A record for a child/YOUTH accepted for ~~emergency~~ care ~~or~~ in a shelter care ~~facility~~ SERVICES PROGRAM ~~shall~~ MUST include:

1. Information obtained at admission pursuant to Section 7.705.~~82~~ 71.B~~.~~;

2. Statement from the physician about the child's/YOUTH'S physical examination pursuant to Section ~~7.705.31, B~~ 7.705.71.B.3~~.~~;

3. COMPREHENSIVE ~~A~~Assessment and ~~permanent placement~~ PERMANENCY plan~~.~~;

4. Record of medication given to the child/YOUTH while in care~~.~~;

5. RECORD OF SERVICES PROVIDED WHILE THE CHILD/YOUTH WAS IN CARE; AND

~~5~~6. Date of discharge, THE NAME to whom the child/YOUTH was discharged AND A COPY OF THEIR IDENTIFICATION, THEIR RELATIONSHIP TO THE CHILD/YOUTH, and physical description of THE child/YOUTH at time of discharge.

7.705.100 REQUIREMENTS OF A PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) ~~[Rev. eff. 6/1/12]~~

Psychiatric Residential Treatment Facility (PRTF) services are a Medicaid benefit statewide when provided in accordance with the provisions of the following sections.

7.705.101 APPLICABILITY OF RULES ~~[Rev. eff. 6/1/12]~~

A. ~~A~~ "Psychiatric Residential Treatment Facility (PRTF)" ~~must be a licensed Residential Child Care Facility (RCCF), which means a facility other than a hospital, that provides psychiatric services to individuals under age twenty-one (21) under the direction of a licensed physician in a residential setting. Psychiatric Residential Treatment Facilities as defined in Section 26-6-102, C.R.S., must have a current provider agreement with the Colorado Department of Health Care Policy and Financing (HCPF).~~ PURSUANT TO SECTION 25.5-4-103(19.5), C.R.S., MEANS A FACILITY THAT IS LICENSED AS A RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903, C.R.S., THAT IS NOT A HOSPITAL, AND THAT PROVIDES INPATIENT PSYCHIATRIC SERVICES FOR INDIVIDUALS WHO ARE LESS THAN TWENTY-ONE (21) YEARS OF AGE UNDER THE DIRECTION OF A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, AND THAT MEETS ANY OTHER REQUIREMENT ESTABLISHED BY THE STATE BOARD.

B. ~~Each RCCF wishing to provide care as a "Psychiatric Residential Treatment Facility" must comply with the rules for Residential Child Care Facilities and the Quality Standards for 24-Hour Child Care. The following rules shall be in addition to sSections 7.705.1 through 7.705.77 and Sections 7.714 through 7.714.933; however, if there is a conflict between those rules and these PRTF rules, these rules shall apply.~~ THESE RULES ARE SPECIFICALLY FOR PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES. A

PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY MUST MAINTAIN A LICENSE AS A RESIDENTIAL CHILD CARE FACILITY AND COMPLY WITH THE RULES REGULATING RESIDENTIAL CHILD CARE FACILITIES IN SECTIONS 7.705 THROUGH 7.705.63, THE GENERAL RULES FOR CHILD CARE FACILITIES IN SECTION 7.701, THE QUALITY STANDARDS FOR TWENTY-FOUR (24) HOUR CARE FOR CHILDREN AND YOUTH IN SECTION 7.714, AND THE RULES REGULATING SPECIAL ACTIVITIES IN SECTION 7.719. HOWEVER, IF THERE IS A CONFLICT BETWEEN THOSE RULES AND THESE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY RULES, THESE RULES SHALL APPLY.

C. ~~The~~ A PRTF shall comply with all rules promulgated by the Medical Services Board in the Colorado Department of Health Care Policy and Financing ~~for mental health services~~ for clients of Psychiatric Residential Treatment Facilities ~~or residing in Therapeutic Residential Child Care~~ ~~Facilities~~, ~~Sections 8.765-8.765.13~~ (10 CCR 2505-10 ~~8.700,~~ SECTIONS 8.765.1 THROUGH 8.765.12 AND SECTION 8.765.2) (2024), WHICH ARE HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203 DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO AVAILABLE AT NO COST THROUGH THE SECRETARY OF STATE'S WEBSITE AT https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6329&fileName=10%20CCR%202505-10%208.000.

D. A PRTF SHALL COMPLY WITH ALL CONDITIONS OF PARTICIPATION REQUIRED BY THE CENTERS FOR MEDICAID AND MEDICARE SERVICES (CMS) AND REGULATED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE). A PRTF SHALL COMPLY WITH 42 C.F.R. SECTION 483.350 THROUGH 376 SUBPART G (2025), FOR THE USE OF RESTRAINT OR SECLUSION IN PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES PROVIDING INPATIENT PSYCHIATRIC SERVICES FOR INDIVIDUALS UNDER AGE TWENTY-ONE (21), AND 42 C.F.R. SECTION 441.151-184 (2025), GENERAL REQUIREMENTS FOR PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES, WHICH ARE HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN STREET, DENVER, COLORADO 80203 DURING REGULAR BUSINESS HOURS. THESE STATUTES AND REGULATIONS ARE ALSO AVAILABLE AT NO COST THROUGH THE CMS WEBSITE AT https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-G,. THE FACILITY SHALL BE DESIGNATED BY THE DEPARTMENT TO PROVIDE SUCH SERVICES USING THE STATE-PRESCRIBED DESIGNATION METHODS.

7.705.102 ACCREDITATION ~~[Rev. eff. 6/1/12]~~

The facility shall be accredited by one of the following: Joint Commission on Accreditation of Healthcare OrganizationS (JCAHO), the Commission on Accreditation of Rehabilitation Facilities (CARF), ~~or the Council on Accreditation of Services for Families and Children (COA)~~ OR BY ANY OTHER ACCREDITING ORGANIZATION WITH COMPARABLE STANDARDS THAT IS RECOGNIZED BY THE STATE AND APPROVED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. A COPY OF THE FACILITY'S NATIONAL ACCREDITATION CERTIFICATION AND REPORT SHALL BE MAINTAINED IN THE FACILITY FILE AND MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

~~**7.705.103 CLIENT CHILDREN/YOUTH RIGHTS** [Rev. eff. 6/1/12]~~

~~A. A list of client's rights and the grievance procedure shall be posted in all facilities in areas frequented by clients, and legal guardians.~~

~~B. Every client has the right to receive assistance from the client representative in making complaints and to receive copies of the complaint procedure.~~

~~C. Written policies pertaining to visitation, communication, dress, and personal possessions may MUST be established and implemented. These policies shall only limit a client's rights to ensure the protection of the client, staff, and program from unreasonable and unnecessary intrusions and disruptions and from health and safety hazards.~~

~~D. Client rights may only be denied for good cause by the physician-lead interdisciplinary team providing treatment for that client~~

~~E. If the PRTF enforces any restriction upon the client's rights, the facility shall review any denial or limitation at least every seven (7) days and document in the individual plan of care.~~

~~**7.705.104 PROFESSIONAL SERVICES** [Rev. eff. 6/1/12]~~

~~PRTF clientele shall receive six hundred (600) minutes of documented professional clinical services each week they are in PRTF residence, with one hundred twenty (120) of those minutes dedicated to individual treatment. The remainder of the professional clinical services (480 minutes) may include any or all of the following: group therapy, family therapy, medication management, psychological services, weekly physician contact, and post emergency intervention debriefing, which the client may be excused from if clinically contraindicated. These services will be based on the recommendations of the interdisciplinary team and reviewed each week for clinical appropriateness.~~

~~The facility team shall meet weekly to review and document the client's general progress in treatment and make any needed adjustment(s) to the service plan for each PRTF resident. If it is clinically contraindicated that this (600 minutes) total of professional clinical services be delivered to the client, it shall MUST be documented as such on a weekly basis by the licensed professional managing the care of this client; documentation shall include a description of those services that will be delivered to the client.~~

7.705.200 REQUIREMENTS OF A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP)

7.705.201 APPLICABILITY OF RULES

A. A QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) MEANS A FACILITY THAT IS LICENSED AS A RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903(29), C.R.S. ALL QRTPS SHALL ALSO FOLLOW ALL RULES AS OUTLINED IN 10 CCR 2505-10 SECTION 8.765.8 THROUGH SECTION 8.765.14 (2024), AS INCORPORATED BY REFERENCE IN SECTION 7.705.101.C. ~~WHICH IS HEREBY INCORPORATED BY REFERENCE. NO LATER AMENDMENTS OR EDITIONS ARE INCORPORATED. THE APPLICABLE RULES CAN BE FOUND AT https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=11635&fileName=10%20CCR%202505-10. COPIES ARE ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING BY CONTACTING THE COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN ST., DENVER, COLORADO 80203, DURING REGULAR BUSINESS HOURS OR AT ANY STATE PUBLICATIONS LIBRARY DURING REGULAR BUSINESS HOURS.~~

~~A~~B. The program ~~must~~ SHALL maintain a license as a residential child care facility (RCCF) and be in compliance with the regulations in SECTIONS 7.701, 7.705, 7.714, and 7.719.

7.705.202 ACCREDITATION AND ATTESTATION

~~B~~A. The program ~~must~~ SHALL be accredited by one of the following organizations:

1. The ~~c~~Commission on ~~a~~Accreditation of ~~r~~Rehabilitation ~~f~~Facilities (CARF)~~; or,~~.

2. The ~~j~~Joint ~~c~~Commission on ~~a~~Accreditation of ~~h~~Healthcare ~~o~~Organizations (JCAHO)~~; or,~~.

~~3. The council on accreditation (COA; or,~~

~~4~~3. Any other ~~independent, not-for-profit accrediting organization approved by the secretary of health and human services.~~ ACCREDITING ORGANIZATION WITH COMPARABLE STANDARDS THAT IS RECOGNIZED BY THE STATE AND APPROVED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4. A COPY OF THE FACILITY'S NATIONAL ACCREDITATION CERTIFICATION AND REPORT MUST BE MAINTAINED IN THE FACILITY FILE AND MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

B. ALL QRTPS IN THE STATE OF COLORADO THAT PLAN TO ENROLL WITH HEALTH FIRST COLORADO

ARE REQUIRED TO SUBMIT A SIGNED ATTESTATION FORM WITH THEIR HEALTH FIRST COLORADO ENROLLMENT APPLICATION THAT FOLLOWS ATTESTATION GUIDELINES OUTLINED IN 10 CCR 2505-10 SECTION 8.765.14.B (2024), AS INCORPORATED BY REFERENCE ABOVE IN SECTION 7.705.101.C.

~~**7.705.202 Trauma-Informed Treatment Model**~~

~~A. The program must have a trauma-informed treatment model in alignment with their mental health designation, submitted to and approved, by the Colorado department of human services (CDHS) Office of Behavioral Health.~~

~~B. The trauma-informed treatment model must be implemented as approved by the CDHS Office of Behavioral health.~~

~~C. Any changes to the trauma-informed model must be approved by the CDHS Office of Behavioral Health prior to implementation.~~

7.705.203 Quality Improvement Plan

A. The program must develop and implement a quality ~~or performance~~ improvement (QI) plan that is designed to monitor and improve safety, quality of care, trauma-informed practices, and treatment outcomes and meets the following criteria:

1. Utilizes a data-driven approach to identify patterns and trends in the data;~~, and~~.

2. Analyzes the data to determine what improvements and changes ~~may~~ MUST be implemented; and~~;~~

3. Is reviewed and/or modified no less than quarterly based on outcomes data.

B. The QI plan ~~and outcomes~~ must be submitted to the DIVISION OF CHILD WELFARE (DCW), PROVIDER SERVICES UNIT ~~CDHS Office of Behavioral Health~~ when requesting approval for the trauma-informed treatment model.

C. ~~The program must document the initial quality improvement plan to include any expected outcomes and any changes to the plan,. and t~~The QI plan AND ALL DOCUMENTED QUARTERLY REVIEWS must be submitted to the department for review on an annual basis FROM THE DATE THE INITIAL PLAN WAS APPROVED, and the QI plan AND ALL SUBSEQUENT QUARTERLY REVIEWS must be made available to the ~~d~~Department upon request.

7.705.204 NURSING Professionals ~~Staff~~

A. The ~~program~~ QRTP must have A NURSING PROFESSIONAL WHO IS AT LEAST A REGISTERED OR LICENSED NURSE PURSUANT TO SECTION 12-255-101 THROUGH 12-255-135, C.R.S.~~9, ET SEQ., C.R.S. AND SECTION 12-255-110, ET SEQ., C.R.S.~~ ~~registered or licensed nursing staff and other licensed clinical staff~~ who:

1. Provides care within the scope of their practice as defined by state law;~~, and~~.

2. ~~Are~~IS on-site according to the trauma-informed treatment model, as approved by the DIVISION OF CHILD WELFARE (DCW), PROVIDER SERVICES UNIT; and~~CDHS Office of Behavioral Health, and~~

3. ~~Are~~IS available ON SITE, VIA PHONE, OR VIA VIDEO CALL twenty-four (24) hours a day, seven (7) days a week.

B. THE QRTP MAY CONTRACT FOR NURSING SERVICES. THESE CONTRACTED SERVICES AND INDIVIDUALS MUST ADHERE TO THE RULES IN SECTION 7.701.400.B. CONTRACTED INDIVIDUALS ARE CONSIDERED STAFF OF THE FACILITY DURING THE HOURS STATED IN THE CONTRACT.

CONTRACTS MUST LIST THE DUTIES OF THE CONTRACTED INDIVIDUAL WITH WHOM THE PROGRAM IS CONTRACTING AND MUST LIST THE SCOPE OF SERVICES TO BE PROVIDED. FOR NURSING SERVICES, THERE MUST BE DUTIES OUTLINED IN THE CONTRACT THAT ASSURE THE SERVICES ARE BEING ADMINISTERED ON SITE, VIA PHONE, OR VIA VIDEO CALL TWENTY-FOUR (24) HOURS PER DAY, SEVEN (7) DAYS PER WEEK. ANY CONTRACTS FOR NURSING SERVICES MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

~~B~~C. The ~~program~~ QRTP may utilize licensed physicians, licensed physician assistants, or licensed nurse practitioners in lieu of ~~registered or~~ licensed nursing staff, in accordance with the trauma-informed treatment model as approved by the DIVISION OF CHILD WELFARE (DCW), PROVIDER SERVICES UNIT ~~CDHS Office of Behavioral Health~~.

D. PROFESSIONAL NURSING STAFF FILES ARE THE PROPERTY OF THE FACILITY AND MUST REMAIN ON SITE AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST AND REMAIN IN COMPLIANCE WITH ALL FEDERAL AND STATE CONFIDENTIALITY STATUTES AND REGULATIONS.

7.705.205 CLINICAL/MENTAL HEALTH PROFESSIONALS

A. THE QRTP MUST HAVE CLINICAL STAFF WHO PROVIDE MENTAL HEALTH SERVICES. THE QRTP MUST HAVE AT LEAST ONE (1) OF THE FOLLOWING LICENSED MENTAL HEALTH PROFESSIONALS PROVIDING CLINICAL SERVICES:

1. A LICENSED PSYCHOLOGIST PURSUANT TO SECTION 12-245-301, C.R.S. THROUGH SECTION 12-245-309, C.R.S.;

2. A LICENSED CLINICAL SOCIAL WORKER (LCSW) PURSUANT TO SECTION 12-245-401, C.R.S. THROUGH SECTION 12-245-410, C.R.S.;

3. A. LICENSED MARRIAGE AND FAMILY THERAPIST(LMFT) PURSUANT TO SECTION 12-245-501, C.R.S. THROUGH SECTION 12-245-506, C.R.S.;

4. A LICENSED PROFESSIONAL COUNSELOR (LPC) PURSUANT TO SECTION 12-245-601, C.R.S. THROUGH SECTION 12-245-607, C.R.S.;

5. A LICENSED ADDICTION COUNSELOR (LAC) PURSUANT TO SECTION 12-245-801, C.R.S. THROUGH SECTION 12-245-806, C.R.S.

B. THE QRTP MAY UTILIZE PROVISIONALLY LICENSED MENTAL HEALTH PROFESSIONALS PURSUANT TO SECTION 12-245-208, C.R.S. ANY PROVISIONALLY LICENSED MENTAL HEALTH PROFESSIONALS MUST BE SUPERVISED BY A LICENSED MENTAL HEALTH PROFESSIONAL WHO IS ASSOCIATED WITH THE QRTP. IF THE QRTP CHOOSES TO UTILIZE PROVISIONALLY LICENSED MENTAL HEALTH PROFESSIONALS, THEY MUST ALSO EMPLOY/CONTRACT WITH A LICENSED MENTAL HEALTH PROFESSIONAL WHO PROVIDES CLINICAL SUPERVISION TO THE PROVISIONALLY LICENSED INDIVIDUAL AND MUST ADHERE TO CLINICAL SUPERVISION IN SECTION 7.705.206 OF THIS SECTION.

C. The ~~program~~ QRTP may contract WITH LICENSED CLINICAL PROFESSIONALS OR PROVISIONALLY LICENSED CLINICAL PROFESSIONALS for the REQUIRED MENTAL HEALTH SERVICES ~~licensed nursing and licensed clinical services~~. THESE CONTRACTED SERVICES AND INDIVIDUALS MUST ADHERE TO THE RULES OF SECTION 7.701.400.B. CONTRACTED INDIVIDUALS ARE CONSIDERED STAFF OF THE FACILITY DURING THE HOURS STATED IN THE CONTRACT. CONTRACTS MUST LIST THE DUTIES OF THE CONTRACTED INDIVIDUAL WITH WHOM THE PROGRAM IS CONTRACTING AND MUST LIST THE SCOPE OF SERVICES TO BE PROVIDED. FOR CLINICAL SERVICES BEING PROVIDED BY CONTRACTED STAFF, THE CONTRACT MUST OUTLINE THE MANNER IN WHICH THE CLINICAL SERVICES ARE BEING ADMINISTERED. THERE MUST BE ASSURANCE OF THE SCHEDULED HOURS FACE-TO-FACE ON-SITE AS WELL AS BEING AVAILABLE VIA PHONE OR VIDEO CALL. ~~Such signed contracts must list the duties of the licensed individual, AND the scope of services to be provided,. and for the licensed nurse,~~ T~~t~~here must be assurance of their services being available twenty-four (24) hours a day, seven (7) days a week. CONTRACTED PROFESSIONAL STAFF MUST BE INVOLVED IN THE DEVELOPMENT AND REVIEW OF THE CHILD'S/YOUTH'S INDIVIDUAL PLAN AND COMPLY WITH

ALL REQUIREMENTS OUTLINED IN SECTION 7.714.4.B ANY CONTRACTS FOR CLINICAL PROFESSIONALS MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

D. THE LICENSED MENTAL HEALTH PROFESSIONAL AND ANY PROVISIONALLY LICENSED MENTAL HEALTH PROFESSIONAL MUST BE AT LEAST A PART-TIME EMPLOYEE AND/OR CONTRACTOR OF THE QRTP AND BE RESPONSIBLE FOR THE COORDINATION AND OVERSIGHT OF THE MENTAL HEALTH SERVICES PROVIDED IN THE QRTP.

E. CLINICAL/MENTAL HEALTH PROFESSIONAL FILES ARE THE PROPERTY OF THE FACILITY AND MUST REMAIN ON SITE AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST AND REMAIN IN COMPLIANCE WITH ALL FEDERAL AND STATE CONFIDENTIALITY STATUTES AND REGULATIONS.

F. CLINICAL/MENTAL HEALTH NOTES AND ANY DOCUMENTATION OF MENTAL HEALTH SERVICES PROVIDED TO YOUTH RESIDING IN THE QRTP ARE THE PROPERTY OF THE QRTP AND MUST REMAIN ON SITE AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST AND REMAIN IN COMPLIANCE WITH ALL CONFIDENTIALITY STATUTES AND REGULATIONS.

7.705.206 ADMINISTRATIVE AND CLINICAL SUPERVISION OF CLINICAL PROFESSIONALS

A. THE QRTP MUST ENSURE THAT ALL LICENSED AND PROVISIONALLY LICENSED CLINICAL PERSONNEL PROVIDING MENTAL HEALTH SERVICES RECEIVE SUPERVISION AS DEFINED IN THIS SECTION.

B. THE QRTP WILL DEVELOP AND ADHERE TO POLICIES AND PROCEDURES FOR SUPERVISION OF CLINICAL PROFESSIONALS THAT ADDRESS THE FOLLOWING:

1. DEVELOP AND MAINTAIN THE CLINICAL PROFESSIONAL'S MANDATORY DISCLOSURE STATEMENT THAT IS REQUIRED AS PART OF THE INTAKE PROCESS FOR CHILDREN/YOUTH ADMITTED TO A QRTP;

2. DEFINE WHO IS PROVIDING SUPERVISION TO THE CLINICAL PROFESSIONALS EMPLOYED BY THE QRTP;

3. DEVELOP AND DEFINE THE REQUIREMENTS FOR REGULAR EVALUATION OF THE CLINICAL PROFESSIONAL'S PERFORMANCE WITH REGARD TO CLINICAL SERVICES PROVIDED;

4. DOCUMENTATION AND FREQUENCY OF SUPERVISOR REVIEWS AND FEEDBACK PROVIDED;

5. FOR PROVISIONALLY LICENSED PROFESSIONALS, THE FULLY LICENSED CLINICAL PROFESSIONAL MUST PROVIDE CLINICAL SUPERVISION AT A MINIMUM, OF ONE (1) TIME EVERY WEEK, AND, AT A MINIMUM;

   a. MEET THE STANDARD QUALIFICATIONS FOR CLINICAL SUPERVISION AS DEFINED BY THEIR PROFESSIONAL PRACTICE BOARD;

   b. DELIVER CLINICAL SUPERVISION WITHIN THE SUPERVISOR'S PROFESSIONAL PRACTICE LICENSE AND ETHICAL STANDARDS;

   c. DEDICATE TIME BETWEEN THE LICENSED PROFESSIONAL AND THE PROVISIONALLY LICENSED PROFESSIONAL TO INSTRUCT, MODEL, AND ENCOURAGE SELF-REFLECTION BY THE PERSONNEL RECEIVING SUPERVISION REGARDING ACQUISITION OF CLINICAL AND ADMINISTRATIVE SKILLS. THE LICENSED CLINICAL SUPERVISOR WILL DETERMINE SKILLS THROUGH OBSERVATION, EVALUATION, FEEDBACK, AND MUTUAL PROBLEM SOLVING;

   d. ADDRESS ETHICS AND ETHICAL DILEMMAS AS ALIGNED WITH THE APPROPRIATE PROFESSIONAL PRACTICE BOARD;

e. PROVIDE PROFESSIONAL DIRECTION BASED ON EXPERIENCE, EXPERTISE, AND/OR FOR ETHICAL OR SAFETY CONCERNS;

f. ENSURE THAT SAFETY AND CRISIS MANAGEMENT PLANS ARE FOLLOWED AND THAT CLINICAL SUPERVISORS ARE AVAILABLE TO PERSONNEL FOR ASSISTANCE IN CRISIS SITUATIONS AND PROCESSING THE CRISIS EVENT AFTERWARDS;

g. DOCUMENT DATE, DURATION, AND THE CONTENT OF SUPERVISION SESSION FOR THEIR SUPERVISEES, WHICH MAY INCLUDE A PROFESSIONAL DEVELOPMENT PLAN. ALL DOCUMENTS PERTAINING TO CLINICAL SUPERVISION IN A QRTP MUST BE PROVIDED TO THE SUPERVISEE AND THE DEPARTMENT UPON REQUEST.

7.705.20~~5~~7 Family Engagement

A. The program must~~;~~ HAVE A WRITTEN PLAN ON HOW THE PROGRAM STAFF WILL FACILITATE FAMILY ENGAGEMENT AND PARTICIPATION IN THE CHILD'S/YOUTH'S TREATMENT. ~~in the best interest of the child/youth and family, document efforts to include the family, and other significant individuals in the child's/youth's treatment, unless clinically contraindicated or ordered by the court.~~

1. ALL STAFF WHO PARTICIPATE IN THE CHILD/YOUTH PLAN MUST BE TRAINED IN FAMILY ENGAGEMENT STRATEGIES AT ORIENTATION AND ANNUALLY.

2. THE PROGRAM MUST HAVE A WRITTEN PLAN THAT PROVIDES SERVICES THAT ARE ALIGNED WITH THE FAMILY'S SCHEDULE. THE PROVIDER MUST MAKE REASONABLE EFFORTS TO FACILITATE THE FAMILY'S PARTICIPATION IN TREATMENT.

3. IF THE FAMILY OR OTHER PRIMARY SUPPORT SYSTEM IS CLINICALLY OR LEGALLY CONTRAINDICATED, THEN THIS SHALL BE DOCUMENTED IN THE CHILD'S/YOUTH'S FILE.

B. The program must HAVE A WRITTEN PLAN THAT ~~maintain the contact information for, and~~ facilitateS APPROVED contact BETWEEN ~~with,~~ the child's/youth's family OF ORIGIN OR PRIMARY SUPPORT SYSTEM.~~;~~ THE PLAN SHALL BE DESIGNED TO PROVIDE SUPPORT TO THE FAMILY TO ENSURE CLINICALLY INDICATED FREQUENCY OF CONTACT. THIS PLAN SHALL BE INDIVIDUALIZED FOR EACH CHILD/YOUTH ~~to include family members with whom an on-going relationship is in the best interest of the child/youth,~~ as determined by the family engagement and permanency team or the court. ~~The program must document contact and outreach attempts to appropriate family members.~~

1. ALL EFFORTS TO ARRANGE CONTACT, INCLUDING VISITS, TELEPHONE CALLS, OR VIDEO CONFERENCES MUST BE DOCUMENTED, INCLUDING ANY REASONS CONTACT WAS NOT ABLE TO BE COMPLETED.

2. CONTACT WITH FAMILY OR PRIMARY SUPPORT SYSTEMS SHOULD, IN ALIGNMENT WITH THE APPROVED PLAN, BE USED AS A PRIMARY INTERVENTION WHEN THE CHILD/YOUTH REQUESTS CONTACT.

C. The program must document efforts to maintain sibling connections unless clinically contraindicated or ordered by the court. SUCH ORDERS OF COMMUNICATION MUST BE CONTAINED WITHIN THE CHILD'S/YOUTH'S FILE AND ADDED TO THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

7.705.208 PLACEMENT REQUIREMENTS

A. INDEPENDENT ASSESSMENT (IA)

1. A CHILD/YOUTH REFERRED TO A QRTP BY A COUNTY DEPARTMENT OR THE DIVISION OF YOUTH SERVICES SHALL HAVE AN INDEPENDENT ASSESSMENT (IA) COMPLETED.

2. THE STATE-APPROVED ASSESSMENT SHALL BE ADMINISTERED BY THE PROVIDER

EVERY NINETY (90) DAYS BEGINNING WITH THE DATE OF PLACEMENT AND WITHIN FOURTEEN (14) DAYS OF DISCHARGE TO DEMONSTRATE THE NEED FOR CONTINUED QRTP SERVICES.

B. THE FACILITY MUST REQUEST A COPY OF THE INITIAL STATE-APPROVED ASSESSMENT UPON ADMISSION USING THE STATE-PRESCRIBED FORM AND SUBMISSION TO THE BHA.

C. THE RESULTS OF THE INITIAL STATE-APPROVED ASSESSMENT MUST BE UTILIZED, IF MADE AVAILABLE, IN THE DEVELOPMENT OF THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

D. THE RESULTS OF THE NINETY (90) DAY REVIEWS MUST BE SHARED WITHIN FIVE (5) DAYS OF COMPLETION WITH THE PLACEMENT AUTHORITY AND DEPARTMENT THROUGH THE DEPARTMENT-APPROVED METHOD.

E. ALL STAFF COMPLETING THE STATE-APPROVED ~~CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS)~~ ASSESSMENT MUST COMPLETE THE STATE-APPROVED ~~CANS~~ TRAINING AND PASS THE STATE-APPROVED ~~CANS~~ CERTIFICATION TEST BEFORE ADMINISTERING THE TOOL. ALL STAFF COMPLETING THE ~~CANS~~ ASSESSMENT MUST BE RECERTIFIED ANNUALLY. DOCUMENTATION OF THE TRAINING MUST BE KEPT IN THE STAFF'S FILE.

~~**7.705.206 Initial Assessment and Stabilization Plan**~~

~~A. Within 72 business hours of admitting a child/youth into care, the program must assess and evaluate the child/youth and family in all of the following areas:~~

~~1. Circumstances that led to placement;~~

~~2. Presenting problem/issue;~~

~~3. Current functioning;~~

~~4. Required accommodations;~~

~~5. Current needs;~~

~~6. Risk and safety;~~

~~7. Behavior;~~

~~8. Physical condition and health, to include allergies, chronic conditions, and current medications;.~~

~~9. Mental and psychological health, to include emotional regulation, coping strategies, and current psychotropic medications;~~

~~10. Current family relationships and dynamics;~~

~~11. Immediate supports available, to include cultural, relational, religious, spiritual, and emotional;~~

~~12. Relevant substance use;~~

~~13. Needs for short-term stabilization;~~

~~14. Previously successful and unsuccessful interventions;~~

~~15. Skills, assets, and strengths;~~

~~16. History of trauma.~~

~~B. Within seventy-two (72) business hours of admitting a child/youth into care, the program must develop a stabilization plan that is individualized, as informed by the initial assessment and/or the independent assessment, if the program is in receipt of it.~~

~~C. The stabilization plan must include at least one (1) short term goal to support the child/youth in stabilizing. The short-term goal(s) of the independent assessment must be incorporated, if the program is in receipt of it.~~

~~D. The stabilization plan must be updated at least every seven (7) calendar days, in collaboration with the child/youth, and when possible, with the child's/youth's family engagement and permanency team, until the program is in receipt of the independent assessment.~~

~~E. At least one (1) new goal must be added to the stabilization plan when the previous goal is attained.~~

~~F. The stabilization plan may be incorporated into the individual child and family plan if needed or may be discontinued upon completion of the individual child and family plan.~~

~~**7.705.207 Individual Child And Family Plan**~~

~~A. Within seven (7) calendar days of the receipt of the independent assessment, the program must complete the individual child and family plan as outlined in 7.714.4.d.~~

~~B. The individual child and family plan must incorporate the findings of the independent assessment, to include any goals as determined in the assessment.~~

~~C. The family engagement and permanency team shall be included in the development of the individual child and family plan.~~

~~D. The program must update tThe Child and Adolescent Needs and Strengths (CANS) assessment seventy-five (75) calendar days from the initial date of the CANS assessment. Subsequent CANS assessments must be completed within ninety (90) calendar days from the date of the previous CANS assessment.~~

~~E. The individual child and family plan must include a family support goal addressing services and/or interventions to be provided by the program, as informed by the CANS assessments.~~

7.705.209 CLINICAL RECORD REQUIREMENTS

A. IN ADDITION TO SECTION 7.701.63 AND SECTION 7.701.64, A QRTP DESIGNATED BY THE DEPARTMENT TO PROVIDE MENTAL HEALTH SERVICES MUST MAINTAIN CURRENT, ORGANIZED, LEGIBLE, CHRONOLOGICAL, CLINICAL RECORDS FOR EACH CHILD/YOUTH. TREATMENT RECORDS MUST INCLUDE:

1. A MENTAL HEALTH DIAGNOSIS;

2. COPIES OF ANY ASSESSMENTS PERTAINING TO THE CHILD'S/YOUTH'S CURRENT NEED FOR MENTAL HEALTH SERVICES;

3. ALL PLANS OF CARE AND REVISIONS FOR THE CURRENT TREATMENT EPISODE;

4. DOCUMENTATION OF THE CHILD'S/YOUTH'S ATTENDANCE AT, PARTICIPATION IN, AND OUTCOMES OF QRTP MENTAL HEALTH SERVICES;

5. DOCUMENTATION THAT THE CHILD/YOUTH AND/OR THE LEGAL GUARDIAN WAS PROVIDED A COPY OF THE PLAN OF CARE;

6. CORRESPONDENCE TO AND FROM AGENCIES AND INDIVIDUALS INVOLVED IN THE CHILD'S/YOUTH'S TREATMENT;

7. AN EXPLANATION WHENEVER ANY MEMBER OF THE MULTIDISCIPLINARY TEAM, CHILD/YOUTH, PARENT(S), OR GUARDIAN(S), DOES NOT SIGN THE PLAN OF CARE;

8. THE NAME OF THE LICENSED MENTAL HEALTH PROFESSIONAL RESPONSIBLE FOR THE FORMULATION, IMPLEMENTATION, REVIEW, AND REVISION OF THE CHILD'S/YOUTH'S PLAN OF CARE;

9. SIGNED RELEASES OF INFORMATION WHEN NECESSARY;

10. DOCUMENTATION OF ANY UNPLANNED DISCHARGES WITHOUT ADVANCE NOTICE AND ANY DISCHARGES AGAINST THE AGENCY'S OR LICENSED MENTAL HEALTH PROFESSIONAL'S ADVICE;

11. TREATMENT ENTRIES THAT ARE SIGNED AND DATED BY THE PERSON PROVIDING TREATMENT/THERAPY, INCLUDING TITLE OR POSITION OF THE PERSON PROVIDING TREATMENT/THERAPY. IF THE CLINICAL SERVICES ARE PROVIDED BY A PROVISIONALLY LICENSED THERAPIST, THE SUPERVISOR MUST ALSO SIGN ENTRIES;

12. ALL CHANGES IN DIAGNOSES NEED TO BE DOCUMENTED WITH CHANGES TO THE INDEPENDENT ASSESSMENT;

13. ALL MEMBERS OF THE CLINICAL STAFF MUST BE TRAINED ANNUALLY IN THE DEVELOPMENT AND REVIEW OF PLANS OF CARE, AND THERE MUST BE DOCUMENTATION OF SUCH;

14. CLINICAL SUPERVISORS WHO ARE PROVIDING SUPERVISION TO PROVISIONALLY LICENSED THERAPISTS (SWP, LPP, MFP, PSP) MUST DOCUMENT SUPERVISION HOURS PROVIDED TO SUPERVISEES.

7.705.210 COMPREHENSIVE ASSESSMENT

QUALIFIED RESIDENTIAL TREATMENT PROGRAMS (QRTPS) MUST COMPLETE A COMPREHENSIVE ASSESSMENT ON THE CHILD/YOUTH ADMITTED TO THE PROGRAM IN ACCORDANCE WITH ~~FOLLOWING~~ SECTION 7.714.4.A.

7.705.211 INDIVIDUAL CHILD'S/YOUTH'S PLAN IN A QRTP

A. IN ADDITION TO SECTION 7.714.4.B, THE FOLLOWING IS REQUIRED FOR AN INDIVIDUAL CHILD'S/YOUTH'S PLAN IN A RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY THE DEPARTMENT TO PROVIDE MENTAL HEALTH SERVICES.

1. THE LICENSED MENTAL HEALTH PROFESSIONAL RESPONSIBLE FOR PROVIDING CLINICAL CARE MUST DEVELOP THE MENTAL HEALTH COMPONENT OF THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

2. THE MULTIDISCIPLINARY TEAM MUST DEVELOP AND FINALIZE A COMPREHENSIVE INDIVIDUAL CHILD/YOUTH PLAN, AS COVERED IN SECTION 7.714.4.B, WITHIN FOURTEEN (14) CALENDAR DAYS AFTER THE DETERMINATION THAT MENTAL HEALTH SERVICES ARE REQUIRED. THE PLAN MUST BE SIGNED AND DATED OR INCLUDE WRITTEN DOCUMENTATION OF PARTICIPATION AND REVIEW BY THE PARTIES LISTED IN SECTION 7.714.4.B.2. THE PLAN MUST BE SIGNED AND DATED BY THE MENTAL HEALTH PROFESSIONAL. IF A PROVISIONALLY LICENSED MENTAL HEALTH PROFESSIONAL IS PROVIDING THE SERVICES, THAT PERSON AND THEIR LICENSED SUPERVISOR MUST ALSO SIGN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN. THE PLAN MUST:

A. ADDRESS ALL AREAS LISTED AT SECTION 7.714.4.B, TOGETHER WITH MENTAL HEALTH SERVICES AND OTHER NEEDS INCLUDING THE CHILD'S/YOUTH'S PRESENTING SYMPTOMS, PHYSICAL HEALTH, EMOTIONAL STATUS, BEHAVIOR SUPPORT NEEDS, COMMUNITY SUPPORTS, AVAILABLE RESOURCES, AND DISCHARGE/AFTERCARE PLAN;

B. INCLUDE SPECIFIC GOALS AND MEASURABLE OBJECTIVES, EXPECTED DATES OF ACHIEVEMENT, SPECIFIC DISCHARGE AND TRANSITIONAL/AFTERCARE AND

FOLLOW-UP SERVICES, CRITERIA TO BE MET FOR TERMINATION OF TREATMENT, AN SPECIFIC TREATMENT GOALS, INCLUDING, BUT NOT LIMITED TO:

1. EXPECTED REDUCTION IN THE SYMPTOMS THAT NECESSITATED MENTAL HEALTH SERVICES AND THE SPECIFIC FUNCTIONAL ACHIEVEMENT AND SKILLS DEVELOPMENT TO BE OBTAINED IN MEASURABLE TERMS, AND

2. INDICATIONS THAT PLANNED SERVICES CAN REASONABLY BE EXPECTED TO IMPROVE THE CHILD'S/YOUTH'S CONDITION;

C. SPECIFY THE TYPE, FREQUENCY, AND DURATION OF MENTAL HEALTH SERVICES, REHABILITATION SERVICES, MEDICATION MANAGEMENT, EMERGENCY SERVICES, INITIAL ASSESSMENT, DOCUMENTED TREATMENT MODIFICATIONS, AND OTHER SERVICES DETERMINED TO BE NECESSARY TO MEET THE CHILD'S/YOUTH'S INDIVIDUALIZED MENTAL HEALTH SERVICE GOALS;

D. SPECIFY THAT ALL RCCF MENTAL HEALTH SERVICES ARE NECESSARY TO MEET THE NEEDS OF THE CHILD/YOUTH AND THAT THE MENTAL HEALTH SERVICES ARE NECESSARY TO TREAT THE CHILD'S/YOUTH'S CURRENT DIAGNOSIS;

E. IDENTIFY THE PROVISION OF, OR THE REFERRAL FOR, SERVICES OTHER THAN RCCF MENTAL HEALTH SERVICES AND MUST DOCUMENT ANY COURT-ORDERED TREATMENT, INCLUDING IDENTIFYING THE AGENCY RESPONSIBLE FOR PROVIDING THE COURT-ORDERED TREATMENT.

3. THERE MUST BE A REVIEW OF EACH PLAN EVERY THIRTY (30) DAYS TO EVALUATE PROGRESS AND WHETHER GOALS AND OBJECTIVES HAVE BEEN ACHIEVED AND/OR NOT ACHIEVED AND BARRIERS TO TREATMENT, IF APPLICABLE. THE INDIVIDUAL CHILD'S/YOUTH'S PLAN AND THE DISCHARGE PLAN MUST BE REVISED BY THE DESIGNATED LICENSED, OR PROVISIONALLY LICENSED, PROFESSIONAL PERSON AS APPROPRIATE.

4. THERE MUST BE DOCUMENTATION OF THE CHILD'S/YOUTH'S RESPONSE TO TREATMENT APPROACHES AND CHANGES IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN WITH THE REASONS FOR SUCH CHANGES.

5. IN ADDITION TO SECTION 7.714.4.A AND SECTION 7.714.4.B, QRTPS MUST INCLUDE THE FOLLOWING COMPONENTS FOR THE INDIVIDUAL CHILD'S/YOUTH'S PLAN:

A. THE FINDINGS OF THE ASSESSMENT/EVALUATION, INCLUDING THE STRENGTHS AND NEEDS OF THE CHILD/YOUTH TO BE ADDRESSED IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN. THE FINDINGS OF THE ASSESSMENT MUST IDENTIFY WHICH NEEDS OF THE CHILD/YOUTH MUST BE RESOLVED FOR THE CHILD/YOUTH TO MOVE TO A LESS-RESTRICTIVE SETTING/SUCCESSFULLY DISCHARGE FROM THE FACILITY;

B. GOALS MUST BE INDIVIDUALIZED, RELEVANT TO THE PLACEMENT OF THE CHILD/YOUTH, AND ADDRESS ANY DIAGNOSIS GIVEN. OBJECTIVES MUST BE SPECIFIC, MEASURABLE, ACHIEVABLE, AND RELEVANT TO THE GOALS, INDIVIDUALIZED, AND TIME-LIMITED. THE GOALS AND OBJECTIVES MUST SUPPORT THE CHILD'S/YOUTH'S PROGRESS TOWARD DISCHARGE;

C. A PLAN FOR FOSTERING AND MAINTAINING POSITIVE FAMILY RELATIONSHIPS WITH THE CHILD/YOUTH AND THEIR FAMILY;

D. SPECIFICATION OF THE THERAPEUTIC SERVICES, SPECIALIZED SERVICES, AND

STRATEGIES FOR POSITIVE BEHAVIOR INTERVENTION THAT WILL BE PROVIDED DIRECTLY OR ARRANGED FOR, FREQUENCY OF SERVICES, AND METHOD FOR ENSURING THEIR PROPER INTEGRATION WITH THE CHILD'S/YOUTH'S ONGOING PROGRAM ACTIVITIES;

E. DISCHARGE PLAN, INCLUDING AFTERCARE, MEDICATION MANAGEMENT, AND REFERRALS TO COMMUNITY SERVICES;

F. IDENTIFICATION OF ALL PERSONS RESPONSIBLE FOR IMPLEMENTATION OF THE PLAN;

G. SIGNATURE OR WRITTEN DOCUMENTATION OF PARTICIPATION AND REVIEW BY A REPRESENTATIVE OF THE FACILITY, A REPRESENTATIVE OF THE PLACING AGENCY, IF APPLICABLE, THE CHILD/YOUTH, AND THE CHILD'S/YOUTH'S PARENT(S) OR GUARDIAN(S);

H. WRITTEN DOCUMENTATION BY THE FACILITY THAT THE PLAN AND ANY SUBSEQUENT REVISIONS ARE EXPLAINED TO THE CHILD/YOUTH IN CARE AND THEIR PARENT(S) OR GUARDIAN(S) IN A LANGUAGE OR MANNER OF COMMUNICATION THE CHILD/YOUTH AND PARENT(S) OR GUARDIAN(S) CAN UNDERSTAND;

I. A REVIEW OF EACH INDIVIDUAL CHILD'S/YOUTH'S PLAN MUST OCCUR TO EVALUATE THE CHILD'S/YOUTH'S PROGRESS TOWARD ACHIEVING THE GOALS AND OBJECTIVES. THE REVIEW MUST INCLUDE WHICH GOALS AND OBJECTIVES HAVE BEEN ACHIEVED AND WHICH ARE REMAINING IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

7.705.212 SHORT-TERM PLACEMENTS

A. IN THE EVENT THE ANTICIPATED LENGTH OF STAY FOR THE CHILD/YOUTH IS LESS THAN FOURTEEN (14) CALENDAR DAYS, AND A SERVICE TO BE PROVIDED INCLUDES MENTAL HEALTH TREATMENT OF THE CHILD/YOUTH, THE FACILITY MUST COMPLETE AN INITIAL ASSESSMENT AND AN INDIVIDUAL CHILD'S/YOUTH'S PLAN FOR SHORT-TERM PLACEMENTS WITHIN SEVENTY-TWO (72) HOURS OF ADMITTING THE CHILD/YOUTH. FOR SHORT-TERM PLACEMENTS, SECTION 7.714.4.A AND SECTION 7.714.4.B ARE NOT APPLICABLE.

1. THE MULTIDISCIPLINARY TEAM MUST GATHER HISTORICAL AND CURRENT INFORMATION TO ASSESS AND EVALUATE THE CHILD/YOUTH IN AT LEAST THE FOLLOWING AREAS:

A. REASON FOR REFERRAL;

B. SAFETY NEEDS OF THE CHILD/YOUTH;

C. PRESENTING NEEDS;

D. MEDICAL HEALTH AND ALLERGIES, INCLUDING A HEALTH HISTORY OF THE CHILD/YOUTH AND CHILD'S/YOUTH'S FAMILY;

E. MENTAL HEALTH, INCLUDING TREATMENT HISTORY AND HISTORY OF PSYCHOTROPIC MEDICATIONS, UTILIZING THE STATE-APPROVED ~~CANS~~ ASSESSMENT RESULTS IF REQUIRED AND IF ABLE TO BE OBTAINED;

F. FAMILY AND COMMUNITY RELATIONSHIPS;

G. TREATMENT/PLACEMENT HISTORY; AND

H. ALCOHOL/SUBSTANCE USE HISTORY.

B. UPON ADMISSION, THE FACILITY AND PLACING AUTHORITY MUST CREATE AN INDIVIDUALIZED CHILD'S/YOUTH'S PLAN FOR SHORT-TERM PLACEMENTS THAT ADDRESSES SAFETY AND RISK CONSIDERATIONS, TRIGGERS, EARLY WARNING SIGNS, AND STRATEGIES TO ASSIST WITH EMOTIONAL REGULATION OR SENSORY MODULATION STRATEGIES.

C. THE STABILIZATION PLAN MUST INCLUDE AT LEAST ONE (1) GOAL TO INCLUDE OBJECTIVES TO SUPPORT THE GOAL. THE FINDINGS OF THE INDEPENDENT ASSESSMENT MUST BE INCORPORATED.

D. THE INDIVIDUAL CHILD'S PLAN MUST ADDRESS ANY SAFETY ISSUES IDENTIFIED IN THE ASSESSMENT.

E. IN THE EVENT THAT THE CHILD'S/YOUTH'S LENGTH OF STAY IS DETERMINED TO EXTEND TO MORE THAN FOURTEEN (14) CALENDAR DAYS, ALL REQUIREMENTS OF SECTION 7.714.4 MUST BE COMPLETED PRIOR TO THE THIRTIETH (30) DAY OF STAY. UPDATES TO THE STATE-APPROVED ~~CANS~~ ASSESSMENTS MUST BE COMPLETED ACCORDING TO THE REQUIRED TIMEFRAMES FOR THOSE FACILITIES REQUIRED TO COMPLETE THEM.

7.705.213 MENTAL HEALTH SERVICES IN A QRTP

A. SERVICES MUST BE PROVIDED TO ALL CHILDREN/YOUTH ADMITTED TO THE FACILITY, AND DOCUMENTATION OF SERVICES PROVIDED TO THE CHILD/YOUTH MUST BE KEPT IN THE FILE AND MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

B. SERVICES MUST BE INDIVIDUALIZED TO THE NEEDS OF THE CHILD/YOUTH AND FAMILY, AS DETERMINED BY THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

C. THE ASSESSMENT NEEDS TO ASSESS FOR MENTAL HEALTH SERVICES, AND THE INFORMATION OBTAINED FROM THE ASSESSMENT NEEDS TO BE INCLUDED IN THE INDIVIDUAL CHILD'S/YOUTH'S PLAN, UNLESS CONTRAINDICATED FOR THE CHILD/YOUTH AS DETERMINED BY THE INDIVIDUAL CHILD'S/YOUTH'S PLAN.

D. OTHER MENTAL HEALTH SERVICES MAY INCLUDE GROUP THERAPY OR OTHER SERVICES AS DETERMINED BY THE INDIVIDUAL CHILD'S/YOUTH'S PLAN SPECIFIED BY THE COMPREHENSIVE ASSESSMENT.

E. SERVICES MUST INCLUDE MEDICATION ASSESSMENT AND MANAGEMENT, IF APPROPRIATE AND APPLICABLE.

7.705.2~~08~~14 Discharge ~~PLAN~~ And ~~DISCHARGE SUMMARY~~ Aftercare ~~Plan~~

A. DISCHARGE

1. QUALIFIED RESIDENTIAL TREATMENT PROGRAMS MUST FOLLOW SECTION 7.714.85~~6~~ FOR DISCHARGE OF CHILDREN/YOUTH FROM THE FACILITY.

2. WITHIN FIVE (5) BUSINESS DAYS OF WHEN A CHILD/YOUTH IS REMOVED FROM PLACEMENT, THE FACILITY MUST COMPLETE AND SEND TO THE PLACING AGENCY, A SUMMARY OF THE CHILD'S/YOUTH'S DISCHARGE FROM THE FACILITY, TO INCLUDE ALL COMPONENTS LISTED IN SECTION 7.714.85.I~~6.G~~. FOR QRTPS, THE SUMMARY MUST ALSO INCLUDE A STATEMENT OF AN AFTERCARE PLAN AND IDENTIFICATION OF WHO IS RESPONSIBLE FOR FOLLOW-UP SERVICES AND AFTERCARE.

3.. COPIES OF A CHILD'S/YOUTH'S FILE, INCLUDING DISCHARGE INFORMATION BUT EXCLUDING ALL MEDICAL INFORMATION COVERED BY HIPAA, AS INCORPORATED IN SECTION 7.701.14, OR EDUCATIONAL INFORMATION COVERED BY FERPA, AS INCORPORATED IN SECTION 7.701.14, MUST BE PROVIDED TO PARENT(S) OR GUARDIAN(S) UPON REQUEST OR TO OTHERS BY WRITTEN CONSENT PURSUANT TO

SECTION 7.701.61.

4. IF THE CHILD/YOUTH PREMATURELY DISCHARGES FROM THE FACILITY, THE FACILITY IS RESPONSIBLE TO FOLLOW THROUGH WITH PROVIDING AFTERCARE SERVICES IN ACCORDANCE WITH THE CHILD'S/YOUTH'S INDIVIDUALIZED PLAN. IN INSTANCES WHERE THE CHILD/YOUTH DISCHARGES DUE TO ELOPEMENT, HOSPITALIZATION, OR TO RECEIVE HIGHER LEVELS OF CARE, THE FACILITY IS RESPONSIBLE TO ENSURE THE NEXT PROVIDER RECEIVES APPROPRIATE INFORMATION REGARDING DISCHARGE AND AFTERCARE FOR THE CHILD/YOUTH WITHIN FIVE (5) BUSINESS DAYS OF WHEN A CHILD/YOUTH IS REMOVED FROM PLACEMENT.

B. AFTERCARE

1.~~A.~~ Within forty-five (45) calendar days of admitting a child/youth into care, the program must develop a discharge and aftercare plan, in collaboration with the county department of human/social services or placing entity, the child/youth, and the family engagement and permanency team.

2.~~B.~~ The AFTERCARE plan must describe the services and resources needed by the subsequent care provider to meet the needs of the child/youth and how those services and resources will be provided.

3.~~C.~~ The program must provide OR MAKE REFERRALS FOR family-based aftercare support for at least six (6) months post-discharge as determined in the plan UTILIZING THE SAME CLINICIAN, IF POSSIBLE, AND DOCUMENTING EFFORTS IF UNABLE TO COORDINATE.

4.~~D.~~ The plan must be reviewed and/or modified BY THE LICENSED CLINICIAN OR PROVISIONALLY LICENSED CLINICIAN WITH REVIEW AND SIGNATURE BY THE SUPERVISING LICENSED CLINICIAN no less than monthly during the child's/youth's placement and during aftercare services. Changes to the plan must be documented IN THE CHILD'S/YOUTH'S INDIVIDUAL FILE.

5.~~E.~~ The plan must be incorporated into the discharge summary as outlined at SECTION 7.714.~~932.e~~.85.~~I6.G~~.

6.~~F.~~ The program must update the STATE-APPROVED- Assessment no more than fourteen (14) days prior to the planned discharge date of the child/youth AS OUTLINED IN SECTION 7.714.85~~6~~.

7.~~G.~~ The program may REVISE ~~negotiate~~ the terms of aftercare support and services with the placing entity of any child/youth not placed by a county department of human/social services or the Division of Youth Services (DYS) and must provide after-care support in accordance with the contract established with the placing entity.

8. PROGRAMS MAY REFER TO OTHER ENTITIES TO PROVIDE AFTERCARE SERVICES AND MUST CLEARLY DOCUMENT IN THE AFTERCARE PLAN WHOM THEY CONTRACTED WITH, CONTACT INFORMATION, AND THE SPECIFIC SERVICES TO BE PROVIDED.

7.705.300 REQUIREMENTS OF THERAPEUTIC WILDERNESS PROGRAM SERVICES

7.705.301 APPLICABILITY OF RULES

A THERAPEUTIC WILDERNESS PROGRAM MEANS A FACILITY THAT IS LICENSED AS A RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903(29), C.R.S. THESE RULES ARE SPECIFICALLY FOR THERAPEUTIC WILDERNESS PROGRAM SERVICES. THE FOLLOWING RULES ARE IN ADDITION TO CORRESPONDING REGULATIONS IN SECTIONS 7.701, 7.705, 7.711, 7.714 AND 7.719. HOWEVER, IF THERE IS A CONFLICT BETWEEN THOSE RULES AND REGULATIONS AND THESE SPECIAL RULES AND

REGULATIONS, THESE RULES AND REGULATIONS SHALL APPLY.

7.705.302 PERSONNEL

A. THERE MUST BE A CHIEF ADMINISTRATOR OF A THERAPEUTIC WILDERNESS PROGRAM THAT MEETS THE QUALIFICATIONS FOR AN ADMINISTRATOR OF A RESIDENTIAL CHILD CARE FACILITY AS STATED IN SECTION 7.705.42. THE CHIEF ADMINISTRATOR MUST HAVE AT LEAST ONE (1) YEAR OF VERIFIED FULL TIME EXPERIENCE WORKING WITH CHILDREN/YOUTH IN A THERAPEUTIC WILDERNESS PROGRAM AND THREE (3) YEARS OF VERIFIED EXPERIENCE IN STAFF SUPERVISION AND ADMINISTRATION. THE CHIEF ADMINISTRATOR MAY ALSO FUNCTION AS THE FIELD DIRECTOR.

B. WHEN THE ADMINISTRATOR OF A THERAPEUTIC WILDERNESS PROGRAM IS NOT AVAILABLE, AN ASSISTANT OR ACTING DIRECTOR WHO MEETS THE SAME REQUIREMENTS AS THE ADMINISTRATOR MUST BE AVAILABLE.

C. THERE MUST BE A FIELD DIRECTOR WHO IS PRIMARILY RESPONSIBLE FOR THE COORDINATION, SUPERVISION, AND MANAGEMENT OF FIELD OPERATIONS, FIELD STAFF, AND THE FIELD OFFICE. THE FIELD DIRECTOR MUST BE AT LEAST TWENTY-FIVE (25) YEARS OF AGE AND MUST HAVE A MINIMUM OF THIRTY (30) SEMESTER HOURS IN RECREATIONAL THERAPY OR RELATED EXPERIENCE, OR AT LEAST ONE (1) YEAR (1,820 HOURS) OF EXPERIENCE WORKING WITH CHILDREN/YOUTH IN A THERAPEUTIC WILDERNESS PROGRAM.

D. THERE MUST BE AT LEAST ONE (1) SENIOR FIELD STAFF MEMBER WORKING DIRECTLY WITH EACH GROUP OF CHILDREN/YOUTH. THE SENIOR FIELD STAFF MUST BE QUALIFIED AS FOLLOWS:

1. BE AT LEAST TWENTY-ONE (21) YEARS OF AGE;~~.~~

2. BE QUALIFIED AS STATED IN SECTION 7.705.44.A;~~.~~

3. HAVE AT LEAST SIX (6) MONTHS FULL-TIME EXPERIENCE OR TRAINING IN A FIELD RELATED TO RECREATION AND ADVENTURE ACTIVITIES;~~.~~

4. HAVE A MINIMUM OF FORTY (40) TWENTY-FOUR (24) HOUR FIELD DAYS OF PROGRAM EXPERIENCE OR EQUIVALENT WORKING IN OUTDOOR WILDERNESS PROGRAMS; AND~~.~~

5. HAVE CURRENT WILDERNESS FIRST RESPONDER (WFR) FIRST AID AND CPR CERTIFICATION.

E. CHILD CARE FIELD STAFF MUST:

1. BE AT LEAST TWENTY-ONE (21) YEARS OF AGE;~~.~~

2. BE QUALIFIED AS STATED IN SECTION 7.705.44.A;~~.~~

3. HAVE COMPLETED STAFF TRAINING AND FIELD COURSE WORK AS REQUIRED IN SECTIONS 7.705.311 AND 7.714.92;~~7.705.992~~.

4. HAVE COMPLETED, AT A MINIMUM, A STANDARD FIRST AID AND CPR COURSE.

F. PROGRAM CONSULTANTS AND OTHER MULTI-DISCIPLINARY RESOURCES

1. A MULTI-DISCIPLINARY TEAM THAT HAS KNOWLEDGE OF THE PHYSICAL AND EMOTIONAL DEMANDS OF THE PROGRAM MUST BE AVAILABLE FOR CONSULTATION AND RECOMMENDATIONS REGARDING THE PROGRAM PARTICIPANTS.

2. AT A MINIMUM, THE MULTI-DISCIPLINARY TEAM MUST CONSIST OF:

a. A PHYSICIAN LICENSED TO PRACTICE IN COLORADO; AND

b. A LICENSED MENTAL HEALTH PROFESSIONAL LICENSED TO PRACTICE IN COLORADO, INCLUDING EITHER A LICENSED PSYCHOLOGIST, LICENSED CLINICAL SOCIAL WORKER, LICENSED MARRIAGE AND FAMILY COUNSELOR, OR LICENSED PROFESSIONAL COUNSELOR.

7.705.303 STAFF TO CHILD/YOUTH RATIOS

A. AT A MINIMUM, THE FOLLOWING STAFF TO CHILD/YOUTH RATIOS MUST BE MAINTAINED:

1. THERE MUST BE AT LEAST ONE (1) STAFF MEMBER FOR EVERY FOUR (4) CHILDREN/YOUTH IN CARE AT ALL TIMES;~~.~~

2. THERE MUST BE AT LEAST TWO (2) STAFF PRESENT PER GROUP OF EIGHT (8) CHILDREN/YOUTH AT ALL TIMES;~~.~~

3. WHERE THE GENDER IDENTITY OR BIOLOGICAL SEX OF A GROUP IS MIXED, THERE MUST BE STAFF MEMBERS WHO REPRESENT THE GENDER IDENTITY AND/OR BIOLOGICAL SEX OF THE MEMBERS OF THE GROUP AT ALL TIMES; AND~~.~~

4. A THERAPEUTIC WILDERNESS PROGRAM MUST ENSURE THE IMMEDIATE AVAILABILITY OF ADDITIONAL STAFF FROM THE FIELD OFFICE TO BE PHYSICALLY PRESENT IN THE EVENT OF AN EMERGENCY OR CRISIS. IN THE EVENT OF AN EMERGENCY, LOCAL EMERGENCY SERVICES MUST BE CALLED IMMEDIATELY.

7.705.304 FIELD OFFICE OPERATIONS AND COMMUNICATIONS

A. A THERAPEUTIC WILDERNESS PROGRAM MUST HAVE A BASE CAMP AND/OR FIELD OFFICE IN COLORADO, HEREAFTER REFERRED TO AS A “FIELD OFFICE”. AT A MINIMUM, THE FIELD OFFICE MUST:

1. BE STAFFED TWENTY-FOUR (24) HOURS A DAY WHEN THERE ARE CHILDREN/YOUTH IN CARE;

2. MAINTAIN CURRENT STAFF PERSONNEL FILES;

3. MAINTAIN A CURRENT LIST OF THE NAMES OF STAFF AND CHILDREN/YOUTH IN EACH FIELD GROUP;

4. MAINTAIN A MASTER MAP OF ALL ACTIVITY AREAS USED BY THE PROGRAM AND GPS COORDINATES FOR EACH CAMPSITE;

5. MAINTAIN COPIES OF EACH GROUP’S EXPEDITIONARY ROUTE INCLUDING SCHEDULE AND ITINERARY, WHICH MUST BE MADE AVAILABLE TO THE DEPARTMENT, LOCAL LAW ENFORCEMENT, AND LAND USE AGENCIES UPON REQUEST OR AS REQUIRED;

6. MAINTAIN LOGS OF ALL COMMUNICATION WITH EACH FIELD GROUP WHEN AWAY FROM THE FIELD OFFICE.

B. THERE MUST BE A COMMUNICATION SYSTEM BETWEEN THE FIELD OFFICE AND EACH GROUP AWAY FROM THE FIELD OFFICE THAT INCLUDES:

1. ADDITIONAL, FULLY-CHARGED BATTERY PACKS FOR EACH GROUP;

2. PLAN FOR RE-ESTABLISHING COMMUNICATION IN THE EVENT REGULAR

COMMUNICATIONS FAIL;

3. A GLOBAL POSITIONING SYSTEM (GPS) WITH EACH GROUP WHEN AWAY ON ALL EXPEDITIONS;

4. VERBAL COMMUNICATION BETWEEN EACH GROUP AND THE FIELD OFFICE MUST OCCUR AT LEAST TWO (2) TIMES IN EACH TWENTY-FOUR (24) HOUR PERIOD, UNLESS ALTERNATIVE ARRANGEMENTS HAVE BEEN MADE, AND DOCUMENTED IN A LOG MAINTAINED AT THE FIELD OFFICE.

7.705.305 EMERGENCY AND SAFETY

A. A THERAPEUTIC WILDERNESS PROGRAM MUST ESTABLISH A WRITTEN POLICY AND SPECIFIC PROCEDURES FOR EMERGENCIES, INCLUDING, BUT NOT LIMITED TO, EVACUATIONS, NATURAL DISASTERS, MEDICAL EMERGENCIES, CASUALTIES, AND MISSING CHILDREN/YOUTH. AT A MINIMUM, THE WRITTEN POLICY MUST INCLUDE:

1. DESIGNATION OF AUTHORITY AND STAFF ASSIGNMENTS;

2. TRANSPORTATION AND RELOCATION OF PROGRAM PARTICIPANTS WHEN NECESSARY;

3. INSTRUCTION TO ALL PARTICIPANTS ON HOW TO RESPOND IN THE EVENT OF AN EMERGENCY;

4. NOTIFICATION TO THE FIELD OFFICE OF THE NATURE OF THE EMERGENCY AND ACCOUNTING OF EACH PARTICIPANT'S LOCATION AND STATUS;

5. SUPERVISION OF PROGRAM PARTICIPANTS AFTER AN EVACUATION OR RELOCATION;

6. ARRANGEMENTS FOR MEDICAL CARE AND NOTIFICATION OF A CHILD'S/YOUTH'S PARENT(S) OR GUARDIAN(S) AND PHYSICIAN IF NECESSARY;

7. WRITTEN PROCEDURES FOR EMERGENCY AIR EVACUATION IF NECESSARY AND WRITTEN AGREEMENT FOR AIR EVACUATION SERVICES IN THE EVENT OF AN EMERGENCY.

B. A THERAPEUTIC WILDERNESS PROGRAM MUST HAVE WRITTEN PROCEDURES REGARDING SAFETY AND THE USE OF WILDERNESS AND SURVIVAL EQUIPMENT. THE PROCEDURES MUST BE REVIEWED AT LEAST ANNUALLY. THE WRITTEN PROCEDURES MUST INCLUDE:

1. INSTRUCTION OF EACH PROGRAM PARTICIPANT ON ENVIRONMENTAL HAZARDS AND PRECAUTIONS;

2. INSTRUCTIONS ON THE PROPER USE AND STORAGE OF TOOLS AND OTHER EQUIPMENT USED AS A PART OF THE PROGRAM;

3. THE MAINTENANCE OF A FIRST AID KIT WITH SUFFICIENT SUPPLIES AVAILABLE AT ALL TIMES, WHICH MUST:

a. INCLUDE SUPPLIES SPECIFIC TO THE LOCATION, ENVIRONMENT, AND ACTIVITIES OF EACH GROUP;

b. BE INVENTORIED AFTER EACH EXPEDITION AND RESTOCKED AS NEEDED;

c. BE REVIEWED WITH EACH NEW STAFF MEMBER FOR CONTENTS AND USE;

d. BE REVIEWED AT LEAST ANNUALLY WITH ALL STAFF MEMBERS FOR CONTENTS AND USE.

7.705.306 ADMISSION AND ASSESSMENT OF CHILDREN/YOUTH

A. A PREADMISSION ASSESSMENT MUST BE DONE FOR EACH CHILD/YOUTH BY A LICENSED MENTAL HEALTH PROFESSIONAL FAMILIAR WITH THE THERAPEUTIC WILDERNESS PROGRAM PRIOR TO ENROLLMENT. THE ASSESSMENT MUST INCLUDE ALL REQUIREMENTS FOUND IN SECTION 7.714.4.A~~C~~.

B. SUBSEQUENT ASSESSMENTS MUST BE DONE PRIOR TO THE CHILD/YOUTH LEAVING FOR THE ADVENTURE PORTION OF THE PROGRAM, AWAY FROM THE FIELD OFFICE OR MAIN BASE OF OPERATIONS. THE ASSESSMENT MUST INCLUDE:

1. AN INTERVIEW WITH THE CHILD/YOUTH CONDUCTED PRIOR TO ENTRANCE INTO THE FIELD PROGRAM; AND

2. IF PREVIOUSLY CONDUCTED, THE PSYCHOLOGICAL EVALUATION(S) MUST BE OBTAINED AND REVIEWED BY AN APPROPRIATE LICENSED MENTAL HEALTH PROFESSIONAL PRIOR TO THE CHILD'S/YOUTH'S ENTRANCE INTO THE FIELD PORTION OF THE PROGRAM.

C. EACH CHILD/YOUTH MUST HAVE A PHYSICAL EXAMINATION WITHIN THIRTY (30) DAYS PRIOR TO ENTRANCE INTO THE THERAPEUTIC WILDERNESS PROGRAM. THE PROGRAM MUST PROVIDE A FORM TO THE EXAMINING LICENSED HEALTH CARE PROVIDER THAT CLEARLY DESCRIBES THE TYPE AND EXTENT OF PHYSICAL ACTIVITY, ENVIRONMENT, AND CONDITIONS THE CHILD/YOUTH WILL EXPERIENCE IN THE PROGRAM. THE EXAM MUST BE COMPLETED BY A LICENSED HEALTHCARE PROVIDER, WHO SIGNS THE FORM. THE PHYSICAL EXAM MUST, AT A MINIMUM, INCLUDE:

1. A COMPLETE BLOOD COUNT (CBC);

2. A URINALYSIS;

3. AN ELECTROLYTE SCREEN;

4. A PHYSICAL ASSESSMENT TO DETERMINE FITNESS GIVEN THE CLIMATE AND ACTIVITIES IN WHICH THE CHILD/YOUTH WILL BE PARTICIPATING, AND THE CHILD'S/YOUTH'S AGE, WEIGHT, AND PHYSICAL CONDITION;

5. A DETERMINATION WHETHER DRUG AND/OR ALCOHOL DETOXIFICATION IS INDICATED FOR THE CHILD/YOUTH PRIOR TO ENTRANCE INTO THE FIELD PORTION OF THE PROGRAM;

6. DOCUMENTATION OF THIS EXAM SIGNED AND DATED BY THE LICENSED HEALTH CARE PROVIDER MUST BE REVIEWED PRIOR TO THE CHILD'S/YOUTH'S ENTRANCE INTO THE FIELD PORTION OF THE PROGRAM.

D. THE THERAPEUTIC WILDERNESS PROGRAM MUST REQUEST INFORMATION REGARDING THE LAST DENTAL EXAM THE CHILD/YOUTH HAD PRIOR TO ENTERING THE FIELD PROGRAM. IF THE CHILD'S/YOUTH'S LAST DENTAL EXAM IS OVER FOUR (4) MONTHS PRIOR TO ENTRANCE INTO THE PROGRAM AND THE CHILD'S/YOUTH'S LENGTH OF STAY IN THE THERAPEUTIC WILDERNESS PROGRAM EXCEEDS ONE HUNDRED AND TWENTY (120) DAYS, THE FACILITY MUST SCHEDULE OR COMPLETE A DENTAL EXAM FOR THE CHILD/YOUTH WITHIN FOURTEEN (14) DAYS AFTER THE CHILD'S ONE HUNDRED TWENTIETH (120) DAY OF ADMISSION. IF THE CHILD/YOUTH IS IN THE CUSTODY OF A COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES OR THE DIVISION OF YOUTH SERVICES, THE THERAPEUTIC WILDERNESS PROGRAM MUST COMPLETE DENTAL EXAMS IN COMPLIANCE WITH SECTION 7.714.8~~2A~~.E. IF A CHILD/YOUTH HAS DENTAL CARE NEEDS, THESE

NEEDS MUST BE ADDRESSED TIMELY, AS PER DOCTOR'S ORDERS, WHILE IN CARE.

7.705.307 HEALTH CARE AND MEDICATION

A. CHILDREN/YOUTH MUST BE OBSERVED DAILY FOR HYDRATION, CONDITIONS OF THEIR SKIN AND EXTREMITIES, AND GENERAL PHYSICAL CONDITION. THE EVALUATION MUST BE RECORDED BY FIELD STAFF IN THE DAILY LOG. CHILDREN/YOUTH WITH AN ILLNESS OR PHYSICAL COMPLAINT NEEDING CARE OR TREATMENT BEYOND WHAT CAN BE PROVIDED IN THE FIELD MUST BE IMMEDIATELY TRANSPORTED TO AN APPROPRIATE MEDICAL CARE FACILITY.

B. CHILDREN'S/YOUTH'S FEET, LEGS, HANDS AND ARMS MUST BE OBSERVED AT LEAST TWO (2) TIMES DAILY FOR SIGNS OF PAIN, SWELLING, BLISTERS, RED STREAKS RUNNING FROM CUTS OR ABRASIONS, FROSTBITE, AND HYDRATION.

C. COMPLAINTS OR REPORTS BY A CHILD/YOUTH OF ILLNESS AND INJURY MUST BE RECORDED IN THE DAILY LOG ALONG WITH ANY TREATMENT PROVIDED.

D. FIRST AID TREATMENT MUST BE PROVIDED IN AS PROMPT A MANNER AS THE LOCATION AND CIRCUMSTANCES ALLOW.

E. THERE MUST BE NO ADVERSE CONSEQUENCES IMPOSED ON A CHILD/YOUTH FOR REPORTING AN INJURY OR ILLNESS OR FOR REQUESTING TO SEE A HEALTHCARE PROFESSIONAL.

F. AT LEAST EVERY FOURTEEN (14) DAYS, EACH CHILD'S/YOUTH'S PHYSICAL CONDITION MUST BE ASSESSED BY A WILDERNESS FIRST RESPONDER (WFR), AN EMERGENCY MEDICAL TECHNICIAN (EMT), OR A QUALIFIED MEDICAL PROFESSIONAL. THE RESULTS OF THE ASSESSMENT MUST BE RECORDED AND AT A MINIMUM INCLUDE:

1. BLOOD PRESSURE;

2. HEART RATE;

3. CONDITION OF THE EXTREMITIES;

4. CONDITION OF THE SKIN;

5. HYDRATION LEVEL;

6. ALLERGIES, IF ANY;

7. GENERAL PHYSICAL CONDITION;

8. PROVISION OF APPROPRIATE MEDICAL TREATMENT, IF NEEDED.

G. PRESCRIPTION AND OVER THE COUNTER MEDICATION, INCLUDING VITAMINS AND SUPPLEMENTS, MUST BE STORED IN A LOCKED CONTAINER, SAFE GUARDED FROM CHILDREN/YOUTH AND THE ELEMENTS. CONTROLLED MEDICATIONS MUST BE DOUBLE LOCKED, AND THE KEYS TO THE LOCKS MUST BE UNDER THE CONTROL OF THE STAFF MEMBER RESPONSIBLE FOR ADMINISTERING MEDICATIONS AT ALL TIMES. MEDICATIONS TAKEN ON FIELD OUTINGS MUST BE IN THE IMMEDIATE CONTROL OF A STAFF MEMBER QUALIFIED TO ADMINISTER MEDICATIONS AT ALL TIMES.

H. THE ADMINISTRATION OF PSYCHOTROPIC MEDICATION MUST BE PROHIBITED IN A THERAPEUTIC WILDERNESS PROGRAM UNLESS A QUALIFIED MEDICAL PROFESSIONAL DETERMINES THAT THE MEDICATION IS CLINICALLY INDICATED. UNDER NO CIRCUMSTANCES WILL PSYCHOTROPIC MEDICATION BE ADMINISTERED FOR DISCIPLINARY PURPOSES, FOR THE CONVENIENCE OF STAFF, OR AS A SUBSTITUTE FOR APPROPRIATE TREATMENT SERVICES.

I. PRESCRIBED MEDICATIONS MUST NOT BE STOPPED OR CHANGED IN DOSAGE OR ADMINISTRATION WITHOUT CONSULTING WITH THE PRESCRIBING PHYSICIAN AND OBTAINING A WRITTEN ORDER. IF THE PRESCRIBING PHYSICIAN IS NOT AVAILABLE, A QUALIFIED MEDICAL PROFESSIONAL MUST BE CONSULTED. RESULTS OF THE CONSULTATION AND ANY RESULTING MEDICATION CHANGES MUST BE RECORDED IN THE CHILD'S/YOUTH'S RECORD.

J. ALL CONTROLLED SUBSTANCES MUST BE COUNTED AT LEAST TWO (2) TIMES PER DAY BY TWO (2) DIFFERENT STAFF MEMBERS, AND A LOG MUST BE MAINTAINED THAT INCLUDES THE SIGNATURE OF THE INDIVIDUAL CONDUCTING AND DOCUMENTING THE COUNT.

K. ALL UNUSED AND EXPIRED MEDICATIONS MUST BE SECURED UNTIL APPROPRIATELY DISPOSED OF AND DOCUMENTED.

7.705.308 NUTRITION

A. THERE MUST BE A WRITTEN MENU, APPROVED ON AN ANNUAL BASIS, AS REQUIRED IN SECTION 7.705.31. THE REGISTERED DIETITIAN MUST HAVE KNOWLEDGE OF THE PROGRAM ACTIVITY LEVELS AND ENVIRONMENTAL FACTORS. THE MENU MUST LIST THE NECESSARY FOOD SUPPLIES AND CALORIC INTAKE FOR EACH GROUP. THE CURRENT MENU MUST BE AVAILABLE, AND ANY CHANGE OR SUBSTITUTION MUST BE NOTED ON THE MENU. MENUS MUST BE DATED AND MAINTAINED ON FILE FOR SIX (6) MONTHS.

B. AT LEAST TWO (2) TIMES PER WEEK, THE FRUITS AND VEGETABLES OFFERED IN THE APPROVED MENUS MUST BE FRESH FRUITS AND VEGETABLES.

C. REQUIRING A CHILD/YOUTH TO CONSUME FOOD IN UNDER FIVE (5) MINUTES IS PROHIBITED.

D. CHILD CARE FIELD STAFF MUST MONITOR THE INTAKE OF WATER FOR EACH CHILD/YOUTH DAILY TO ENSURE ADEQUATE HYDRATION. IF A CHILD/YOUTH EXHIBITS SIGNS OF DEHYDRATION, THIS INFORMATION MUST BE REPORTED TO THE FIELD OFFICE IMMEDIATELY. HYDRATION SUPPLEMENTS WITH ELECTROLYTES MUST BE AVAILABLE TO CHILDREN/YOUTH.

7.705.309 PARTICIPANT CLOTHING, EQUIPMENT, AND SUPPLIES

A. EACH PROGRAM PARTICIPANT MUST HAVE CLOTHING, EQUIPMENT, AND SUPPLIES APPROPRIATE FOR THE TYPES OF ACTIVITIES, TERRAIN, AND WEATHER CONDITIONS LIKELY TO BE ENCOUNTERED.

B. CLOTHING, EQUIPMENT, AND SUPPLIES MUST INCLUDE, AT A MINIMUM:

1. SUNSCREEN;

2. INSECT REPELLENT;

3. A COMMERCIALLY AVAILABLE BACKPACK OR THE MATERIALS TO CONSTRUCT A SAFE BACKPACK AND/OR BEDROLL;

4. PERSONAL HYGIENE ITEMS NECESSARY FOR CLEANSING;

5. APPROPRIATE FEMININE HYGIENE SUPPLIES;

6. APPROPRIATE SLEEPING BAG, PAD, AND/OR SLEEP SYSTEM FOR EACH CHILD/YOUTH;

7. CLOTHING APPROPRIATE FOR TEMPERATURE CHANGES GENERALLY EXPECTED FOR THE AREA;

8. EACH CHILD/YOUTH MUST BE PROVIDED A CLEAN CHANGE OF CLOTHING AT LEAST ONCE A WEEK OR HAVE AN OPPORTUNITY TO WASH THEIR CLOTHES AT LEAST ONCE A WEEK;

9. EACH CHILD/YOUTH MUST BE PROVIDED CLEAN UNDERGARMENTS, INCLUDING SOCKS. ADDITIONAL CLEAN UNDERGARMENTS AND SOCKS MUST BE PROVIDED TO A CHILD/YOUTH, AS MAY BE NEEDED FOR HEALTH AND SANITARY REASONS;

10. EACH CHILD/YOUTH MUST BE PROVIDED A MEANS TO CLEAN THEIR BODY AT LEAST TWO (2) TIMES PER WEEK;

11. APPROPRIATE WELL-FITTING FOOTWEAR FOR THE WEATHER, ACTIVITY, AND TERRAIN THE PROGRAM WILL EXPERIENCE;

12. SYNTHETIC OR WOOL SOCKS MUST BE DESIGNED FOR OUTDOOR ACTIVITY.

7.705.310 OUTINGS AND HIKING LIMITS AND REQUIREMENTS

A. HIKING MUST NOT EXCEED THE PHYSICAL CAPABILITY OF ANY MEMBER OF THE GROUP.

B. THERE MUST BE NO HIKING WHEN THE TEMPERATURE IS ABOVE NINETY (90) DEGREES FAHRENHEIT OR BELOW FIFTEEN (15) DEGREES FAHRENHEIT, INCLUDING WINDCHILL. IF HIKING IN TEMPERATURES BELOW THIRTY-TWO (32) DEGREES FAHRENHEIT (INCLUDING WINDCHILL), BREAKS MUST BE TAKEN AT LEAST EVERY THIRTY (30) MINUTES IN A SHELTERED/WARMER ENVIRONMENT.

C. COPIES OF MAPS, ROUTES, AND ANTICIPATED SCHEDULES, INCLUDING DEPARTURE AND ARRIVAL TIMES, MUST BE MAINTAINED WITH EACH GROUP AND AT THE FIELD OFFICE WHEN A GROUP IS ON AN OUTING AWAY FROM THE BASE CAMP.

D. STAFF MUST CLOSELY MONITOR CHILDREN/YOUTH FOR ACCLIMATION TO THE TEMPERATURE, CLIMATE, ALTITUDE, ENVIRONMENT, AND SITUATION.

E. THE MAXIMUM PACK WEIGHT MUST NOT EXCEED THIRTY (30) PERCENT OF THE CHILD'S/YOUTH'S PHYSICAL WEIGHT.

F. IF THE FACILITY PARTICIPATES IN SPECIAL ACTIVITIES OTHER THAN THOSE FOR WHICH REGULATIONS ARE FOUND IN THIS SECTION, THE FACILITY MUST FOLLOW A WRITTEN POLICY WHICH INCLUDES ALL SECTIONS FROM 7.719.1.D.

7.705.311 TRAINING REQUIREMENTS

A. EACH PROGRAM STAFF MUST HAVE COMPLETED TRAINING IN EACH OF THE AREAS LISTED IN SECTION 7.714.92.

B. EACH PROGRAM STAFF MUST HAVE AN ADDITIONAL EIGHTY (80) HOURS OF TRAINING SPECIFIC TO THERAPEUTIC WILDERNESS PROGRAMS WITHIN THE FIRST THIRTY (30) DAYS OF EMPLOYMENT AND PRIOR TO WORKING UNSUPERVISED WITH CHILDREN/YOUTH. THE TRAINING MUST NOT BE CONSIDERED COMPLETED UNTIL THE STAFF HAVE DEMONSTRATED TO THE FIELD DIRECTOR THEIR PROFICIENCY IN, AT A MINIMUM, THE FOLLOWING AREAS:

1. COUNSELING, TEACHING, AND SUPERVISORY SKILLS;

2. WATER, FOOD, AND SHELTER DEVELOPMENT;

3. ENVIRONMENTAL CONSERVATION SKILLS AND PROCEDURES;

4. INSTRUCTION IN EMERGENCY AND SAFETY PROCEDURES INCLUDING, BUT NOT LIMITED TO, MEDICAL, EMERGENCY EVACUATION, WEATHER, SIGNALING, FIRE, FLOOD, AND RUNAWAY OR LOST CHILDREN/YOUTH;

5. INSTRUCTIONS ON SAFETY PROCEDURES FOR THE USE OF FUEL, FIRE, AND OTHER RELATED TOOLS;

6. SANITATION PROCEDURES INCLUDING WATER, WASTE, FOOD, AND TOILETING;

7. HEALTH ISSUES RELATED TO ACCLIMATION, EXPOSURE TO THE ENVIRONMENT, AND OTHER ENVIRONMENTAL ISSUES;

8. THE CONTENTS OF THE FIRST AID KIT, STORAGE, MAINTENANCE, AND USE;

9. LOCAL ENVIRONMENTAL PRECAUTIONS INCLUDING TERRAIN, WEATHER, POISONOUS PLANTS, WILDLIFE, AND RESPONSE TO ADVERSE SITUATIONS;

10. REQUIRED DOCUMENTATION, INCLUDING THE DEVELOPMENT AND MAINTENANCE OF LOGS AND JOURNALS.

C. PRIOR TO A STAFF PERSON BEING INCLUDED IN RATIO IN ACCORDANCE WITH THE REQUIREMENTS FOUND IN SECTION 7.705.46, INITIAL STAFF TRAINING AND DEMONSTRATION OF PROFICIENCY MUST BE COMPLETED AND DOCUMENTED.

D. ONGOING TRAINING MUST BE PROVIDED TO STAFF TO IMPROVE PROFICIENCY IN KNOWLEDGE AND SKILLS IN THERAPEUTIC WILDERNESS SETTINGS AND TO MAINTAIN CERTIFICATIONS.