

Title of Proposed Rule:	County Department Response to Unregulated Custody Transfer of a Child/youth	
CDHS Tracking #:	24-01-24-01	
Office, Division, & Program:	Rule Author: Holly Harris-Yanker James Connell	Phone: 720-642-0194 720-636-5456
OCYF/Child Welfare/ Child Welfare Practice		E-Mail: Holly.Harris-Yanker@state.co.us James.Connell@state.co.us

RULEMAKING PACKET

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

a. ☒ Board ☐ Executive Director

b. ☒ Regular ☐ Emergency

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

<input type="checkbox"/> AG Initial Review	<input type="checkbox"/>	<input type="checkbox"/> Initial Board Reading	<input type="checkbox"/>	<input type="checkbox"/> AG 2 nd Review	<input checked="" type="checkbox"/> Second Board Reading / Adoption
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This package contains the following types of rules: *(check all that apply)*

Number	
	Amended Rules
3	New Rules
	Repealed Rules
	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	March 2025
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What date is being requested for this rule to be effective?	May 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:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates: 1st Board March 2025 2nd Board April 2025 Effective Date May 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 Colorado Department of Human Services' Division of Child Welfare is updating Volume 7 administrative rules to align with the requirements of HB23-1157 regarding unregulated custody transfer (UCT).

An unregulated custody transfer (UCT) occurs when a parent, guardian/custodian, or an individual with whom a child/youth has been placed for adoption intends to abandon rights and responsibilities without going through the channels identified in section 19-5.5-203(2), C.R.S. which includes: a legal adoption or guardianship proceeding; a judicial award of custody; other judicial or tribunal action; and Colorado's safe haven law. This requirement seeks to ensure that the appropriate parties are aware and involved in custody transfers of children/youth. (Capacity Building Center for States-see data section) This includes court jurisdiction, oversight by a licensed agency, and/or approval through the Interstate Compact for the Placement of Children (ICPC).

Except as provided in section 19-5-213.5, C.R.S., the law also prohibits soliciting or advertising with the intent indicated above (abandonment) to identify a person to whom to make a transfer of custody; identify a child/youth for a transfer of custody; or act as an intermediary or facilitator in a transfer of custody.

The statute intends to protect children/youth from unregulated custody transfers and support national policy, as well as other states' laws. These situations can expose vulnerable children/youth who have already been adopted to further trauma and instability; the children/youth may be placed with individuals that have not been appropriately assessed and completed background checks, posing safety concerns; the children/youth are outside the purview of county departments and the courts; they may experience further abuse and/or neglect; and children/youth are at risk of repeated unregulated custody transfers.

The revised rules are intended to provide guidance to county departments when a referral is made that a person transferred or intends to transfer custody of a child/youth in violation of section 19-5.5-203, C.R.S. The county department may conduct an assessment and take appropriate action as provided by other laws of this state, for example, child protection or making reports to local law enforcement. If an assessment is completed, the assessment will be forwarded to the Colorado Department of Human Services. The county department may also make a report to the United States Department of State, Bureau of Consular, Office of Children's Issues.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

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☐

to comply with state/federal law and/or

to preserve public health, safety, and welfare

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Justification for emergency:

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State Board Authority for Rule:

Code	Description
§ 26-1-107(5)(b), C.R.S. (2024)	The state board shall have authority to adopt "board rules" for programs administered and services provided by the state department as set forth in this title and in title 27, C.R.S.
§ 26-1-109(3), C.R.S. (2024)	The state department shall cooperate with the federal department of health, education, and welfare and other federal agencies in any reasonable manner, in conformity with the laws of this state, which may be necessary to qualify for federal aid, including the preparation of state plans . . .
26-1-111(2)(a), C.R.S. (2024)	The state department, under the supervision of the executive director, shall: Administer or supervise all forms of public assistance and welfare, including but not limited to assistance payments, food stamps, and social services under programs for old age pensions except for the old age pension health and medical care program, and shall also administer and supervise the Colorado works program, aid to the blind, aid to the needy disabled, food stamps supplementation to households not receiving public assistance found eligible for food stamps under rules adopted by the state board, and such other public assistance and welfare activities as may be vested in the state department pursuant to law.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
§ 26-5-102(1)(a), C.R.S. (2024)	The state board shall adopt rules to establish a program of child welfare services administered by the state department or supervised by the state department and administered by the county departments, and, where applicable, in accordance with the conditions accompanying available federal funds for such purpose. . .

Does the rule incorporate material by reference?		Yes		X	No
Does this rule repeat language found in statute?		Yes		X	No
If yes, please explain.					

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Children/youth will benefit from this rule update. A parent, guardian/custodian, or an individual with whom a child/youth has been placed for adoption with the intent to abandon rights and responsibilities will bear the burden. Individuals soliciting or advertising children/youth for unregulated custody transfers will bear the burden. County departments that elect to assess reports of unregulated custody transfer will bear the burden to address safety, well-being, and safety of the children/youth. Law enforcement may bear the burden.

No populations are anticipated to be adversely affected by these changes.

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?

Children/youth who were adopted or placed for adoption may be assessed for imminent danger as appropriate which may impact both the short-term and long-term. Local law enforcement may be involved for the short-term, by receiving or potentially investigating reports from county departments of human or social services concerning the unregulated custody transfer of children/youth.

A county department may be impacted in several ways, for the short-term, screening the referral and/or opening an assessment as appropriate. For the long-term, a case may be opened, a petition for Dependency and Neglect may be filed, a report to local law enforcement may be filed, and/or the concerns referred to the Colorado Department of Human Services.

The Colorado Department of Human Services may be involved for the short-term in reporting or assessing a referral or for the long-term if violations have occurred with a child placement agency.

A parent, guardian, custodian, or another individual who intends to abandon rights and responsibilities of a child/youth, may be involved for the long-term if child/youth safety or legal violations occur and the appropriate legal steps were not followed, such as court jurisdiction and approvals through the Interstate Compact for the Placement of Children (ICPC). Individuals that identify a person to whom to make a transfer of custody; identify a child/youth for a transfer of custody; or act as an intermediary or facilitator in a transfer of custody outside of exceptions allowed in statute may also be impacted for the long-term if child safety is involved or there is a legal violation.

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

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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.

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 impact for the Colorado Department of Human Services is the workload involved in receiving a report of suspected unregulated custody transfer from a county department, supporting the county in planning for well-being and/or permanency of the child/youth and reporting to the State Department. The number of cases is indeterminate.

County Fiscal Impact

The fiscal impact for the county may involve workload increase related to referrals for screening and assessment as appropriate. It may also include opening a case, cost for placement in out-of-home care, ongoing and permanency casework, and legal representation. It may also include reporting the concern to the Colorado Department of Human Services. The number of cases is indeterminate.

Federal Fiscal Impact

The federal impact will be workload responsibilities assumed following the receipt of a report of unregulated custody transfer. The number of cases is indeterminate.

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

Law enforcement may be impacted if unregulated custody transfer is reported. The number of cases is indeterminate.

4. Data Description

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

Please click this link (<https://qic-ag.org/wp-content/uploads/2016/09/UCT-Tip-Sheet-final.pdf>) to go to the [Capacity Building Center for States Tip Sheet](#) on the Unregulated Custody Transfer/Re-homing of Adopted Children. The information on the tip sheet is accurate regarding what is known about the concerns with unregulated custody transfer.

The [Uniform Law Commission](#) has also completed work on creating uniformity across states with regards to unregulated custody transfer, including a [webinar](#) walking through the act drafted. Please visit this link to visit the Uniform Law Commissions' website

(<https://www.uniformlaws.org/committees/community-home/librarydocuments?communitykey=473903e2-ea5a-4088-a8be-ba3f9086d46b&LibraryFolderKey=&DefaultView=>) and this second link to observe the webinar

(https://uniformlaws.zoom.us/rec/play/CGYV-J_xRBI1HuoET5CTkjVWybSpggfBf9-r04V4I6jHZJ63YskSAeS4iapL9gWCPhmwTzpu-nl-CdPQ.i7X6ERCdD2DZ8Vkg?canPlayFromShare=true&from=share_re)

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[cording_detail&start=1650474063000&componentName=rec-play&originRequestUrl=https%3A%2F%2Funiformlaws.zoom.us%2Frec%2Fshare%2FdgebQQmsox57Nxt3n01bpO56at14aGxfJFjVwJwVgJyMjtOIAOqAsc08J4S-gRGW.OsAPQqwzt4GeoakH%3Fstart%3D1650474063000](https://www.uniformlaws.com/uniforms/uniforms.cfm?topic=adoption&state=CO&year=2024&detail&start=1650474063000&componentName=rec-play&originRequestUrl=https%3A%2F%2Funiformlaws.zoom.us%2Frec%2Fshare%2FdgebQQmsox57Nxt3n01bpO56at14aGxfJFjVwJwVgJyMjtOIAOqAsc08J4S-gRGW.OsAPQqwzt4GeoakH%3Fstart%3D1650474063000)) .

Currently, potential unregulated custody transfers of adopted children are primarily reported through a contracted entity that reviews private domestic and intercountry adoptions (mandated reporter). The state does not have data regarding reports of unregulated custody transfer in the Comprehensive Child Welfare Information System, however, does track if a child/youth has been adopted.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

Alternatives to rulemaking were considered, but an unregulated custody transfer is illegal and impacts child/youth safety, permanency, and well-being with children/youth that are already vulnerable. County departments of human services must be aware of the practice of unregulated custody transfer and know the options available to address concerns about safety through screening, assessment, casework, or reporting to law enforcement, as well as the Colorado Department of Human Services.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.103.5		<p>7.103.5 Referrals Requiring No Further Action</p> <p>County departments may determine that a referral does not require further action and screen it out for the following reasons:</p> <ul style="list-style-type: none"> A. The current allegations have previously been assessed; B. The alleged victim child(ren) or youth in conflict are not located or reside in the State of Colorado. In this circumstance, the county department shall inform the other state or county department of the referral; C. Referral does not meet criteria of abuse and/or neglect as defined in statutes and regulations; D. Referral lacks sufficient information to locate the alleged victim child(ren) or youth in conflict; or E. Referral is duplicative of a previous referral. In this circumstance, the county department shall associate 	<p>7.103.5 Referrals Requiring No Further Action</p> <p>County departments may determine that a referral does not require further action and screen it out for the following reasons:</p> <ul style="list-style-type: none"> A. The current allegations have previously been assessed; B. The alleged victim child(ren) or youth in conflict are not located or reside in the State of Colorado. In this circumstance, the county department shall inform the other state or county department of the referral; C. Referral does not meet criteria of abuse and/or neglect as defined in statutes and regulations; D. Referral lacks sufficient information to locate the alleged victim child(ren) or youth in conflict; or E. Referral is duplicative of a previous referral. In this circumstance, the county department shall associate 		

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		<p>the duplicate referral with the previous referral in the comprehensive child welfare information system.</p> <p>A referral cannot be considered duplicate if the following circumstances are present:</p> <ol style="list-style-type: none"> 1. Different incident date; 2. Different alleged victim; 3. Different alleged person responsible for abuse and/or neglect; 4. Different household, and/or 5. Additional information poses a new or renewed threat of safety to the child(ren)/youth. <p>F. The person alleged to be responsible for the abuse and/or neglect is a third (3rd) party and ten (10) years of age or older. In this circumstance, the county department shall send the referral to the appropriate law enforcement agency.</p> <p>G. There is no current allegation of child abuse and/or neglect;</p> <p>H. More appropriate services for the child/youth who is alleged to be a youth in conflict are currently being provided by another agency;</p>	<p>the duplicate referral with the previous referral in the comprehensive child welfare information system.</p> <p>A referral cannot be considered duplicate if the following circumstances are present:</p> <ol style="list-style-type: none"> 1. Different incident date; 2. Different alleged victim; 3. Different alleged person responsible for abuse and/or neglect; 4. Different household, and/or 5. Additional information poses a new or renewed threat of safety to the child(ren)/youth. <p>F. The person alleged to be responsible for the abuse and/or neglect is a third (3rd) party and ten (10) years of age or older. In this circumstance, the county department shall send the referral to the appropriate law enforcement agency.</p> <p>G. There is no current allegation of child abuse and/or neglect;</p> <p>H. More appropriate services for the child/youth who is alleged to be a youth in conflict are currently being provided by another agency;</p>		
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		<p>I. Referral does not meet the definition of youth in conflict as defined in section CCR 2509-1, 7.000.2; and</p> <p>J. The decision to screen out a referral shall be made by a minimum of two (2) certified child welfare staff from the same county or in conjunction with another county. When there is disagreement to screen out, the referral shall be reviewed through the red team process.</p>	<p>I. —Referral does not meet the definition of youth in conflict as defined in section 12 CCR 2509-1 SECTION 7.000.2; and</p> <p>J. THE REFERRAL CONTAINS CONCERNS RELATED TO THE UNREGULATED CUSTODY TRANSFER OF A CHILD/YOUTH AND NO ALLEGATIONS OF CHILD ABUSE/NEGLECT. IN THIS CIRCUMSTANCE THE COUNTY DEPARTMENT SHALL SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES; AND</p> <p>K. The decision to screen out a referral shall be made by a minimum of two (2) certified child welfare staff from the same county or in conjunction with another county. When there is disagreement to screen out, the referral shall be reviewed through the red team process.</p>		
7.103.6		<p>7.103.6 Criteria For Assigning A Referral For Assessment</p> <p>A. County departments shall screen in and assign a referral for assessment if it:</p> <p>1. Contains specific allegations of known or suspected abuse and/or neglect as defined in Section 7.000.2;</p>	<p>7.103.6 Criteria For Assigning A Referral For Assessment</p> <p>A. County departments shall screen in and assign a referral for assessment if it:</p> <p>1. Contains specific allegations of known or suspected abuse and/or neglect as defined in Section 7.000.2;</p>		

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		<p>2. Provides sufficient information to locate the alleged victim; and</p> <p>3. Identifies a victim under the age of eighteen (18); or</p> <p>4. Identifies a victim between eighteen and under twenty-one years of age who is under the continuing jurisdiction of the court and in the care of a facility.</p> <p>B. Any time a case is opened, it shall come through the referral or assessment process in the comprehensive child welfare information system with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.</p> <p>C. The county department shall review and respond, either with a face-to-face intervention or by telephone, when notified by the court-appointed detention screener or a law enforcement officer of a child or/youth in the custody of a law enforcement agency who is inappropriate for secure detention but cannot be returned home.</p>	<p>2. Provides sufficient information to locate the alleged victim; and</p> <p>3. Identifies a victim under the age of eighteen (18); or</p> <p>4. Identifies a victim between eighteen (18) and under twenty-one (21) years of age who is under the continuing jurisdiction of the court and in the care of a facility.</p> <p>B. Any time a case is opened, it shall come through the referral or assessment process in the comprehensive child welfare information system with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.</p> <p>C. The county department shall review and respond, either with a face-to-face intervention or by telephone, when notified by the court-appointed detention screener or a law enforcement officer of a child or/youth in the custody of a law enforcement agency who is inappropriate for secure detention but cannot be returned home.</p> <p>D. WHEN IT IS SUSPECTED THAT THERE HAS BEEN AN UNREGULATED CUSTODY TRANSFER OF A</p>		
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			<p>CHILD/YOUTH, THE COUNTY DEPARTMENT MAY CONDUCT AN ASSESSMENT AND TAKE APPROPRIATE ACTION TO PROTECT THE WELFARE OF THE CHILD/YOUTH AS PROVIDED IN OTHER AREAS OF RULE, REGARDLESS OF ANY ADDITIONAL CONCERN OF ABUSE OR NEGLECT. IF AN ASSESSMENT IS COMPLETED REGARDING CONCERNS OF AN UNREGULATED CUSTODY TRANSFER OF AN ADOPTED CHILD/YOUTH, AND IT IS DETERMINED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT SHALL:</p> <ol style="list-style-type: none"> 1. PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES WHEN IT INVOLVES AN UNREGULATED CUSTODY TRANSFER OF AN INTERCOUNTRY ADOPTED CHILD/YOUTH. 2. SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES. 		
7.104.15		<p>7.104.15 Notice [Eff.3/1/18]</p> <p>A. Notice of the outcome of an assessment shall be made as described below. Unless otherwise described below or authorized by law, no other entity shall receive notification.</p>	<p>7.104.15 Notice [Eff.3/1/18]</p> <p>A. Notice of the outcome of an assessment shall be made as described below. Unless otherwise described below or authorized by law, no other entity shall receive notification.</p>		

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B. Regardless of the outcome of the assessment and as allowable by law, county departments shall notify and document in the state automated case management system:

1. The parent(s), guardian(s), custodian(s), or caregiver(s) of the alleged victim child(ren)/youth of the outcome of the assessments.
Non-custodial parent(s) shall also be notified of the outcomes of the assessments unless;
 - a. Documentation supports efforts to locate the non-custodial parent were unsuccessful; or,
 - b. Documentation supports that it is not in the best interests of the child(ren)/youth to give notice to the non-custodial parent.
2. The person alleged to be responsible for the abuse and/or neglect of the outcome of the assessment;
3. The specified mandatory reporter, who is identified in and meets the criteria of 7.103.9 A 1-3;
 - a. The name of the child(ren)/youth;

B. Regardless of the outcome of the assessment and as allowable by law, county departments shall notify and document in the state automated case management system:

1. The parent(s), guardian(s), custodian(s), or caregiver(s) of the alleged victim child(ren)/youth of the outcome of the assessments.
Non-custodial parent(s) shall also be notified of the outcomes of the assessments unless;
 - a. Documentation supports efforts to locate the non-custodial parent were unsuccessful; or,
 - b. Documentation supports that it is not in the best interests of the child(ren)/youth to give notice to the non-custodial parent.
2. The person alleged to be responsible for the abuse and/or neglect of the outcome of the assessment;
3. The specified mandatory reporter, who is identified in and meets the criteria of **section** 7.103.9.A.1-3;
 - a. The name of the child(ren)/youth;

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		<p>b. The date of the referral;</p> <p>c. Whether the referral was accepted for assessment;</p> <p>d. Whether the referral was closed without services;</p> <p>e. Whether the assessment resulted in services related to the safety of the child;</p> <p>f. The name and contact information for the county caseworker responsible for the assessment; and,</p> <p>g. The county procedure for requesting updated information within ninety (90) calendar days after the county department received the referral.</p> <p>4. Where applicable, the local licensing unit, the director or administrator of the facility, the agency with licensing or certifying authority and the State Department, Division of Child Welfare and Division of Early Care and Learning, if the abuse and/or neglect assessment involved a state-licensed or county-certified facility. The referral and assessment may be used for investigations and licensing action where the referral involves a licensed child care provider</p>	<p>b. The date of the referral;</p> <p>c. Whether the referral was accepted for assessment;</p> <p>d. Whether the referral was closed without services;</p> <p>e. Whether the assessment resulted in services related to the safety of the child;</p> <p>f. The name and contact information for the county caseworker responsible for the assessment; and,</p> <p>g. The county procedure for requesting updated information within ninety (90) calendar days after the county department received the referral.</p> <p>4. Where applicable, the local licensing unit, the director or administrator of the facility, the agency with licensing or certifying authority and the State Department, Division of Child Welfare and Division of Early Care and Learning, if the abuse and/or neglect assessment involved a state-licensed or county-certified facility. The referral and assessment may be used for investigations and licensing action where the referral involves a licensed child care provider as</p>		
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		<p>as defined in the Child Care Licensing Act, Section 26-6-101, C.R.S., et seq.</p> <p>C. When the assessment results in a finding of founded abuse and/or neglect, county departments shall provide additional notice as described below:</p> <ol style="list-style-type: none"> 1. County departments shall notify the local law enforcement agency and the District Attorney's Office of a founded report. Any copies of child abuse/neglect reports provided to law enforcement or the District Attorney's office shall be marked confidential. 2. County departments shall notify the person found responsible for child abuse and/or neglect of the finding by first-class mail to the responsible person's last known mailing address, using a form approved by the State Department. County departments shall retain a copy of the notice in the case file showing the date of mailing. The notice shall include the following information: <ol style="list-style-type: none"> a. The type and severity level of the abuse and/or neglect, the date the referral was made to the county department, which county department completed the assessment, the date the county department made the finding in the state automated case management system, and information 	<p>defined in the FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT, SECTIONS 26-6-901 THROUGH 26-6-923, C.R.S. Child Care Licensing Act, Section 26-6-101, C.R.S., et seq.</p> <p>C. When the assessment results in a finding of founded abuse and/or neglect, county departments shall provide additional notice as described below:</p> <ol style="list-style-type: none"> 1. County departments shall notify the local law enforcement agency and the District Attorney's Office of a founded report. Any copies of child abuse/neglect reports provided to law enforcement or the District Attorney's office shall be marked confidential. 2. County departments shall notify the person found responsible for child abuse and/or neglect of the finding by first-class mail to the responsible person's last known mailing address, using a form approved by the State Department. County departments shall retain a copy of the notice in the case file showing the date of mailing. The notice shall include the following information: <ol style="list-style-type: none"> a. The type and severity level of the abuse and/or neglect, the date the referral was made to the county department, which 		
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CDHS Tracking #:	24-01-24-01	
Office, Division, & Program:	Rule Author: Holly Harris-Yanker James Connell	Phone: 720-642-0194 720-636-5456
OCYF/Child Welfare/ Child Welfare Practice		E-Mail: Holly.Harris-Yanker@state.co.us James.Connell@state.co.us

		<p>concerning persons or agencies that have access to the information.</p> <p>b. The circumstances under which information contained in the state automated case management system will be provided to other individuals or agencies.</p> <p>c. How to access the county's dispute resolution process. County departments are authorized to offer a county dispute resolution process to persons alleged to be responsible for abuse and/or neglect.</p> <p>d. The right of the person found to be responsible for abuse and/or neglects to request a state level appeal as set forth in Sections 7.111 through 7.112. The county department shall provide the State Department approved appeal form to the person found to be responsible for abuse and/or neglect.</p> <p>e. Notice that the scope of the appeal is limited to challenges that the finding(s) are not supported by a preponderance of the evidence or that the actions found to be abuse and/or neglect do not meet the legal definitions of abuse and/or neglect. The State Department will be responsible for</p>	<p>county department completed the assessment, the date the county department made the finding in the state automated case management system, and information concerning persons or agencies that have access to the information.</p> <p>b. The circumstances under which information contained in the state automated case management system will be provided to other individuals or agencies.</p> <p>c. How to access the county's dispute resolution process. County departments are authorized to offer a county dispute resolution process to persons alleged to be responsible for abuse and/or neglect.</p> <p>d. The right of the person found to be responsible for abuse and/or neglects to request a state level appeal as set forth in Sections 7.111 through 7.112. The county department shall provide the State Department approved appeal form to the person found to be responsible for abuse and/or neglect.</p> <p>e. Notice that the scope of the appeal is limited to challenges that the finding(s) are not supported by a preponderance of the evidence or that the actions found to be</p>		
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		<p>defending the determination at the state level fair hearing.</p> <p>f. A full explanation of all alternatives and deadlines contained in Sections 7.111 through 7.112.</p>	<p>abuse and/or neglect do not meet the legal definitions of abuse and/or neglect. The State Department will be responsible for defending the determination at the state level fair hearing.</p> <p>f. A full explanation of all alternatives and deadlines IS contained in Ssections 7.111 through 7.112.</p> <p>g. WHEN AN ASSESSMENT IS COMPLETED INVOLVING AN UNREGULATED CUSTODY TRANSFER OF A CHILD/YOUTH ADOPTED THROUGH AN INTERCOUNTRY ADOPTION, AND IT IS LEARNED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT SHALL PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES.</p>		
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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):

Division of Child Welfare Child Protection and Prevention Unit, Permanency Unit, Provider Services Unit, Child Welfare SubPAC, Child Protection Task Group, Permanency Task Group

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Child placement agencies (foster care and adoption), Child Protection Task Group, Colorado Association of Family and Children's Agencies (CAFCA), Colorado Coalition of Adoptive Families (COCAF), Colorado Department of Human Services (CDHS), Colorado Human Services Directors Association (CHSDA), Colorado State Foster Parent Association, Colorado Trails User Group (CTUG), County Adoption Supervisors, County Foster Care Caseworkers and Supervisors, Division of Child Welfare (DCW) Child Protection and Prevention Services, Permanency Services, Provider Services, Training and Development, and Youth Services, Fostering Colorado, Foster Source, Office of the Child's Representative (OCR), Office of the Respondent Parent Counsel (ORPC), and the Permanency Task Group

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

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

Sub-PAC

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

☒ Yes ☐ No

Name of Sub-PAC	Child Welfare		
Date presented	12/5/2024		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous by those in attendance		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

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☒ Yes ☐ No

Date presented	1/9/2025		
What issues were raised?	N/A		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Passed on consent by those in attendance		
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(12 CCR 2509-2)

7.103.5 Referrals Requiring No Further Action

County departments may determine that a referral does not require further action and screen it out for the following reasons:

- A. The current allegations have previously been assessed;
- B. The alleged victim child(ren) or youth in conflict are not located or reside in the State of Colorado. In this circumstance, the county department shall inform the other state or county department of the referral;
- C. Referral does not meet criteria of abuse and/or neglect as defined in statutes and regulations;
- D. Referral lacks sufficient information to locate the alleged victim child(ren) or youth in conflict; or
- E. Referral is duplicative of a previous referral. In this circumstance, the county department shall associate the duplicate referral with the previous referral in the comprehensive child welfare information system.

A referral cannot be considered duplicate if the following circumstances are present:

- 1. Different incident date;
 - 2. Different alleged victim;
 - 3. Different alleged person responsible for abuse and/or neglect;
 - 4. Different household, and/or
 - 5. Additional information poses a new or renewed threat of safety to the child(ren)/youth.
- F. The person alleged to be responsible for the abuse and/or neglect is a third (3rd) party and ten (10) years of age or older. In this circumstance, the county department shall send the referral to the appropriate law enforcement agency.
 - G. There is no current allegation of child abuse and/or neglect;
 - H. More appropriate services for the child/youth who is alleged to be a youth in conflict are currently being provided by another agency;
 - I. ~~Referral does not meet the definition of youth in conflict as defined in section 12 CCR 2509-1~~
SECTION 7.000.2; and
 - J. **THE REFERRAL CONTAINS CONCERNS RELATED TO THE UNREGULATED CUSTODY TRANSFER OF A CHILD/YOUTH AND NO ALLEGATIONS OF CHILD ABUSE/NEGLECT. IN THIS CIRCUMSTANCE THE COUNTY DEPARTMENT SHALL SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES; AND**
 - K. The decision to screen out a referral shall be made by a minimum of two (2) certified child welfare staff from the same county or in conjunction with another county. When there is disagreement to screen out, the referral shall be reviewed through the red team process.

7.103.6 Criteria For Assigning A Referral For Assessment

- A. County departments shall screen in and assign a referral for assessment if it:
1. Contains specific allegations of known or suspected abuse and/or neglect as defined in ~~S~~section 7.000.2;
 2. Provides sufficient information to locate the alleged victim; and
 3. Identifies a victim under the age of eighteen (18); or
 4. Identifies a victim between eighteen (18) and under twenty-one (21) years of age who is under the continuing jurisdiction of the court and in the care of a facility.
- B. Any time a case is opened, it shall come through the referral or assessment process in the comprehensive child welfare information system with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.
- C. The county department shall review and respond, either with a face-to-face intervention or by telephone, when notified by the court-appointed detention screener or a law enforcement officer of a child-~~er~~/youth in the custody of a law enforcement agency who is inappropriate for secure detention but cannot be returned home.
- D. WHEN IT IS SUSPECTED THAT THERE HAS BEEN AN UNREGULATED CUSTODY TRANSFER OF A CHILD/YOUTH, THE COUNTY DEPARTMENT MAY CONDUCT AN ASSESSMENT AND TAKE APPROPRIATE ACTION TO PROTECT THE WELFARE OF THE CHILD/YOUTH AS PROVIDED IN OTHER AREAS OF RULE, REGARDLESS OF ANY ADDITIONAL CONCERN OF ABUSE OR NEGLECT. IF AN ASSESSMENT IS COMPLETED REGARDING CONCERNS OF AN UNREGULATED CUSTODY TRANSFER OF AN ADOPTED CHILD/YOUTH, AND IT IS DETERMINED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT SHALL:
1. PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES WHEN IT INVOLVES AN UNREGULATED CUSTODY TRANSFER OF AN INTERCOUNTRY ADOPTED CHILD/YOUTH.
 2. SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES.

7.104.15 Notice ~~[Eff. 3/1/18]~~

- A. Notice of the outcome of an assessment shall be made as described below. Unless otherwise described below or authorized by law, no other entity shall receive notification.
- B. Regardless of the outcome of the assessment and as allowable by law, county departments shall notify and document in the state automated case management system:

1. The parent(s), guardian(s), custodian(s), or caregiver(s) of the alleged victim child(ren)/youth of the outcome of the assessments. Non-custodial parent(s) shall also be notified of the outcomes of the assessments unless;
 - a. Documentation supports efforts to locate the non-custodial parent were unsuccessful; or,
 - b. Documentation supports that it is not in the best interests of the child(ren)/youth to give notice to the non-custodial parent.
 2. The person alleged to be responsible for the abuse and/or neglect of the outcome of the assessment;
 3. The specified mandatory reporter, who is identified in and meets the criteria of **section 7.103.9.A.1-3**;
 - a. The name of the child(ren)/youth;
 - b. The date of the referral;
 - c. Whether the referral was accepted for assessment;
 - d. Whether the referral was closed without services;
 - e. Whether the assessment resulted in services related to the safety of the child;
 - f. The name and contact information for the county caseworker responsible for the assessment; and,
 - g. The county procedure for requesting updated information within ninety (90) calendar days after the county department received the referral.
 4. Where applicable, the local licensing unit, the director or administrator of the facility, the agency with licensing or certifying authority and the State Department, Division of Child Welfare ~~and Division of Early Care and Learning~~, if the abuse and/or neglect assessment involved a state-licensed or county-certified facility. The referral and assessment may be used for investigations and licensing action where the referral involves a licensed child care provider as defined in the **FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT, SECTIONS 26-6-901 THROUGH 26-6-923, C.R.S. Child Care Licensing Act, Section 26-6-101, C.R.S., et seq.**
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- f. A full explanation of all alternatives and deadlines ~~IS~~ contained in ~~§~~sections 7.111 through 7.112.
- g. WHEN AN ASSESSMENT IS COMPLETED INVOLVING AN UNREGULATED CUSTODY TRANSFER OF A CHILD/YOUTH ADOPTED THROUGH AN INTERCOUNTRY ADOPTION, AND IT IS LEARNED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT SHALL PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES.